

Water and Drainage Policy Division



Department for

Infrastructure

An Roinn

Bonneagair

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Our reference: IN/21/902162

26 November 2021

Dear Consultee

Consultation on secondary legislation to further commence and implement the requirements of the Reservoirs Act (Northern Ireland) 2015.

You are invited to comment on the draft secondary legislation required to further commence and implement the key elements of the management and maintenance regime for reservoir safety provided by the Reservoirs Act (NI) 2015 (the Act).

The key elements include registration, designation, supervision by a supervising engineer, inspection by an inspecting engineer and a requirement to undertake measures in the interest of safety. This management and maintenance regime will minimise the risk of flooding due to an uncontrolled release of water resulting from dam or structural failure of a reservoir therefore safeguarding human life, the environment, cultural heritage and economic activity.

Although the Department is not required to include reservoir designation criteria in legislation, we are also seeking your views on the draft designation criteria which the Department will use to give controlled reservoirs a reservoir designation. A reservoir designation of either High Consequence, Medium Consequence, or Low Consequence will be given to each controlled reservoir and this designation will determine the level of regulation and management required by the Act.

Consultation arrangements

More details on the draft Orders and Regulations as well as the draft designation criteria and how to respond to the consultation are set out in the consultation document which can be viewed on the Department's website <https://www.infrastructure-ni.gov.uk/publications/reservoir-safety-legislation-commence-and-implement-reservoirs-actni-2015>. The consultation document will be available for response, and comment for a period of 8 weeks from 29 November 2021 to 23 January 2022. Hard copies or alternative formats of the consultation document

can be requested by telephone 028 92 626662, by e-mail Flooding&DrainagePolicy@infrastructure-ni.gov.uk or by post Reservoirs Team, Department for Infrastructure, Water and Drainage Policy Division, Room 15 Benson House, Benson Street, Lisburn BT28 2BG.

I look forward to receiving your response to this consultation.

Yours faithfully

A handwritten signature in black ink, reading "Alison Clydesdale". The signature is written in a cursive, flowing style.

Alison Clydesdale
Director of Water and Drainage Policy Division

Reservoirs Act (NI) 2015 - Response Form

Name / Organisation:

Address:

E-mail Address:

Reservoir Manager – Yes/No (please delete as appropriate)

List of consultation questions for response:-

PART 1 – Commencement

- Q1 Do you agree that the sections of the Act that the Department proposes to commence, include the key elements of the reservoir safety regime envisaged by the Act?

It is noted that this legislation is being brought into play without any detailed consideration of the 'actual financial impact' being placed on 'new duty holders'

'Duty Holders including Mid Ulster District Council should be able to bid for and obtain financial support to undertake any planned or programmed remedial or improvement works which are now required to ensure the continued safety of the reservoir structures.

Funding packages in particular should be prioritised to Reservoirs now designated as High or Medium Consequence, which require sizeable capital improvement works to ensure their structural integrity and continued good maintenance going forward

PART 2 – Regulations

- Q2 Do you agree with the level of information that it is proposed is held on the controlled reservoirs register?

See response to Question 1 . In bringing forward any planned improvements to existing reservoirs Mid Ulster District Council should be able to draw on a package of support funding from the Department of Infrastructure put in place for this purpose . Any data required to be displayed should be in accordance with Data Protection principles .

- Q3 Do you agree with the level of information that it is proposed should be provided by reservoir managers at registration?

See response to Question 1 and 2.

- Q4 Do you agree with the standard frequency of visits proposed for a high or medium consequence reservoir?

See response to Question 1 and 2.

Q5 Do you agree that the proposed level of emergency response information displayed at or near a reservoir is sufficient?

Not required , display should only provide the reservoir name, registration number and contact details for the Department and Emergency Services only.

Q6 Do you agree with the proposed approach to stop notices set out in the draft Regulations at Annex D?

Department should retain the control to undertake immediate remedial work if required in the event that more than one landowner is involved due to potential for delay or dispute.

Q7 Do you agree that consideration is given to an appropriate and affordable grant scheme to assist with the cost of reservoir safety works?

A suitably costed and approved Grant Scheme is required to be put in place as a matter of priority – See response to Question 1 and 2 .

PART 3 – Designation Criteria

Q8 Do you agree with the proposed criteria which will be used to give a reservoir a high, medium or low consequence designation?

Section 22 of the Act notes that in giving a designation the department will consider;

- (a) the potential adverse consequences of an uncontrolled release of water from the controlled reservoir,
- (b) the probability of such a release.

However, the planned implementation suggests that the probability of such a release will not be considered in the designation process, as there 'is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir.' This seems to neglect the guidance within the Department for Environment and Rural Affairs "Guide to risk assessment for reservoir safety management" which sets out a tiered quantitative approach to risk assessment for UK Reservoirs, including a quantitative assessment of the probability of failure.

Without consideration of the overall risk as a function of consequence and probability, Reservoir Managers will be in a position where new development downstream or a change in environmental or cultural asset designation within the downstream inundation zone will automatically change a reservoir designation for potentially low to high risk. Not only will Reservoir Managers have no option for the recovery of the additional associated costs, but without consideration of the overall risk no investment at the site to reduce the likelihood of failure can have any impact on the rating.

If overall risk was considered, investment to reduce the likelihood of failure, and reduce the overall risk to an acceptable level (which could be determined and reviewed by the Department) would be possible, incentivising Reservoir Managers to reduce the likelihood of failure. The cost of any subsequent

improvement work necessitated by new development within the 'zone of consequence' downstream should be equally apportioned to that development to mitigate unnecessary or unsustainable cost to the reservoir operator .

Thank you for taking the time to respond to this consultation. Please send your response to e-mail address FloodingandDrainagePolicy@infrastructure-ni.gov.uk or postal address:-

Reservoirs Team
Department for Infrastructure
Water and Drainage Policy Division
Room 15 Benson House
Benson Street
Lisburn BT28 2BG



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RESERVOIRS ACT (Northern Ireland) 2015

Consultation on proposals to commence sections of the Reservoirs Act (Northern Ireland) 2015, and introduce the secondary legislation required to implement the fundamental elements of the reservoir safety policy in Northern Ireland and the criteria which will be used to give controlled reservoirs a reservoir designation.



FOREWORD

The Reservoirs Act (Northern Ireland) 2015 introduces a proportionate regulatory and management framework for reservoir safety that will help protect citizens from flooding as a result of reservoir failure. As responsibility for reservoir safety functions has recently transferred to my Department, I am now in a position to consult on plans to commence implementation of the Reservoirs Act.

This consultation document provides details on the planned further commencement of the Reservoirs Act and sets out proposals to be included in secondary legislation for:

- How the volume of water held above the natural level of the surrounding land is to be calculated;
- How reservoir managers will register a controlled reservoir with the Department;
- Information held on the publically available controlled reservoirs register;
- Frequency of visits to a controlled reservoir by a supervising engineer;
- Recording of water levels and record keeping by a reservoir manager;
- Display of emergency information at a controlled reservoir;
- Dispute Referral process;
- Stop Notices;
- Establishing of Panels of Reservoir Engineers and the sections of the Act under which members may be commissioned;
- Provision to enable the Department to pay reservoir safety grants to reservoir managers; and
- Form and content of notices, form of written statements, reports and certificates under the Act.

Although not required to be included in secondary legislation, the consultation also covers the criteria that the Department will apply when giving a designation to a controlled reservoir. The designation of a reservoir will determine the management and maintenance regime required for the controlled reservoir.

All of the above are fundamental components of the reservoir safety policy and will start to embed the operation of a management regime which is based on industry best practice for the safety of reservoirs. The implementation of the Reservoirs Act will mean that those reservoirs within the scope of the Act, are subject to a regulated system of scrutiny and control, which in turn will provide assurance in terms of the protection of people, property, the environment and economic activity.

This consultation is targeted at those on whom the legislation will impact and those with an interest in the management and maintenance of reservoirs to ensure reservoir safety. You will wish to note that I am planning to introduce regulations that would allow for consideration of an appropriate and affordable grant scheme to assist with the cost of reservoir safety works.

It is important that you have an opportunity to consider the proposals and express your views and I would therefore encourage you to respond to the consultation.

NICHOLA MALLON MLA
Minister for Infrastructure

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Executive Summary

This targeted consultation provides details on the commencement of a number of sections of the Reservoirs Act (Northern Ireland) 2015 (the Act) and invites comments on proposals for secondary legislation to implement the fundamental elements of a management and maintenance regime for reservoir safety provided for by the Act. These elements include registration, designation, supervision by a supervising engineer, inspection by an inspection engineer and a requirement to undertake measures in the interest of safety.

This consultation also includes the proposed criteria that the Department will apply when giving a designation to a controlled reservoir. Although the Department is not required to include the designation criteria in legislation, your views on the proposals are extremely important as the reservoir designation will determine the level of regulation and management required at a controlled reservoir.

Regulatory Purpose

The Act provides for a regulatory and management regime for controlled reservoirs in order to protect people, the environment, cultural heritage and economic activity from the risk of flooding due to an uncontrolled release of water. The Act requires the managers of all controlled reservoirs to register their reservoir(s) with the Department and for the Department to give each controlled reservoir a reservoir designation. The reservoir designation, which is based on the consequential impact of an uncontrolled release of water in the inundation area of the reservoir, will determine the level of regulation and management required. Controlled reservoirs will be given a designation of either High Consequence, or Medium Consequence, or Low Consequence.

The Act provides for proportionate regulation according to the consequence of reservoir failure with high consequence reservoirs requiring a higher degree of regulation and management than those reservoirs designated as medium or low consequence. When the Act is fully implemented it will provide greater safety for people, property, economic activity, infrastructure, the environment, and cultural heritage from the risk of flooding from reservoirs.

It should be noted that in order for the legislation to be effective, it will require the introduction of secondary legislation in conjunction with the commencement orders.

Consultation aims

The consultation aims to give those who are involved with, or have an interest in, reservoirs an opportunity to provide comments in relation to the

Department's proposals in relation to the Reservoirs Act (NI) 2015. In particular, the consultation is interested in obtaining the views of reservoir managers on the sections of the Act which the Department proposes to commence, the draft Regulations and Orders and the designation criteria for controlled reservoirs.

The sections which the Department proposes to commence are listed at Annex A and B.

The Regulations and Order that the Department proposes to make are provided at Annexes C, D, and E.

The draft designation criteria is detailed at pages 26 - 31.

Your views will help ensure that the draft Regulations and Orders are appropriate and will introduce the fundamental elements of the reservoir safety policy. Information on how to respond to the consultation is available on Page 7. A list of the consultation questions are provided at Annex G

The closing date for responses is 23 January 2022. All responses received by this date will be considered by the Department.

1. Consultation Arrangements

Timetable

- 1.1 This consultation document will be available for response, and comment for a period of 8 weeks from 29 November 2021 to 23 January 2022. The document can be viewed on the Department's website: <https://www.infrastructure-ni.gov.uk/publications/reservoir-safety-legislation-commence-and-implement-reservoirs-actni-2015>

- 1.2 Following the consideration of consultation responses and development of a consultation report, it is envisaged that the legislation will be progressed through the Assembly process.

How to respond

- 1.3 We would welcome your views on the commencement of the Act, the draft Regulations and Orders and the proposed draft designation criteria for controlled reservoirs. Please provide comments in writing by completing and returning the Response Form (see consultation website page) which contains the questions at Annex G to this document before the closing date of 5.00pm on 23 January 2022.

- 1.4 Responses should be sent to e-mail:
FloodingandDrainagePolicy@infrastructure-ni.gov.uk. or

Reservoirs Team
Department for Infrastructure
Water and Drainage Policy Division
Room 15 Benson House
Benson Street
Lisburn
BT28 2BG

We will acknowledge receipt of your submission.

Alternative formats

- 1.5 If you require the document in hard copy or a format such as Braille, auto tape or large print please contact us at the e-mail or address provided or telephone 028 92626662.

Freedom of Information Act 2000 - Confidentiality of Consultations

- 1.6 Please note that all responses will be treated as public and may be published on the Department's website. If you do not want your response to be used in this way or if you would prefer for it to be used anonymously, please indicate this when responding.
- 1.7 Following consideration of all responses, a report may be published on the Department's website. Information you provide in your response, including personal information, could be published or disclosed under Freedom of Information Act 2000 or Environmental Information Regulations 2004.

2. Background

- 2.1 The Reservoirs Bill for Northern Ireland received Royal Assent on 24 July 2015 and is known as the Reservoir Act (Northern Ireland) 2015. The Department for Infrastructure (the Department) received statutory responsibility for the Reservoirs Act on 2 June 2021, following a Transfer of Functions Order being made by The Executive Office. The Department is now in a position to consider further commencement and the secondary legislation required to implement the reservoir safety regime envisaged in legislation.
- 2.2 This Act introduces a proportionate regulatory and management framework for reservoir safety in Northern Ireland. It aims to manage the flood risk from an uncontrolled release of water due to reservoir failure from reservoirs capable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land. These reservoirs are known as “controlled reservoirs”.
- 2.3 The reservoir safety framework is based on industry best practice. It requires reservoir managers to register their reservoir with the Department and for the Department to give each controlled reservoir a designation of High, or Medium, or Low consequence. The reservoir designation will determine the level of regulation and management required for the reservoir. The key elements of the management and maintenance regime include registration, designation, supervision of a reservoir, inspections of reservoirs and a requirement to undertake measures in the interest of safety.
- 2.4 Integral to the management framework is the supervision and inspection of reservoirs by specialist civil engineers known as reservoir panel engineers. The Department will establish panels of engineers and appoint engineers to the panels who are suitably qualified and experienced. Reservoir managers will commission engineers from the panels to supervise, inspect, construct or alter a controlled reservoir, or undertake other duties as required by the Act.
- 2.5 The Act and Explanatory Notes are available on the website at <http://www.legislation.gov.uk/nia/2015?title=Reservoirs%20Act>.

PART 1 - COMMENCEMENT

3. Commencement of the Reservoirs Act (NI) 2015

- 3.1 Some provisions of the Act came into operation on the day following Royal Assent i.e. 25 July 2015. These provisions are sections 1, 2, 5, 6, 42, 93 to 97, 126 to 128, 130, 132 and Schedule 2. These provisions include; the definition of a controlled reservoir, who is the reservoir manager, and powers of entry for the Department.
- 3.2 The remaining sections of the Act will come into operation on such day or days as the Department, by order, appoints. This consultation concerns those sections of the Act that the Department proposes to commence and the Regulations and Orders that it proposes to make, at this time. The sections which the Department proposes to commence are listed in the Schedules to the draft Commencement Orders at Annexes A and B.
- 3.3 Two commencement Orders are being consulted on (Annex A and B). This is due to the requirement within the Act that some sections can only be commenced when a draft Order has been laid before, and approved by a resolution of the Assembly (Annex B refers) i.e. draft affirmative Assembly procedure.
- 3.4 It should be noted that both commencement orders must be made at the same time to ensure that the reservoir safety policy is commenced and implemented and operates effectively.

PART 2 - REGULATIONS AND ORDER

4. Regulations and Order

- 4.1 While the Act provides the policy framework for the reservoir safety management and maintenance regime, the Department is required to make secondary legislation which will provide clarification or the details to effectively implement the Act and enable reservoir managers to comply with the Act.
- 4.2 The Department is proposing to introduce those regulations or orders which are essential to commence implementation of the Act and which will bring Northern Ireland into line with a similar reservoir safety regime operating in the rest of the UK. These are:-
- Calculation of the volume of a reservoir;
 - Information to be held on a controlled reservoirs register;
 - Information to be provided by a reservoir manager to register a reservoir;
 - Frequency of Visits by supervising engineers;
 - Recording of water levels and record keeping by a reservoir manager;
 - Display of emergency response information;
 - Dispute Referral process;
 - Stop Notices;
 - Establishment of Panels of Reservoir Engineers and the sections of the Act under which members of Panels may be commissioned;
 - Provision to enable the Department to pay reservoir safety grants to reservoir managers; and
 - Form and content of notices, the form of written statements, reports and certificates under the Act.
- 4.3 The Department proposes to make two Regulations and one Order and these are detailed in draft at Annexes C, D and E. Two Regulations are required due to requirements within the Act that some are made by negative resolution procedure in the Assembly (Annex C refers) and others can only be made when the draft regulations are laid before, and approved by a resolution of the Assembly (Annex D refers).

- 4.4 It should be noted that both Regulations must be made to ensure the effective implementation of the reservoir safety policy and to support the commencement orders.
- 4.5 Each of the provisions included in the regulations are discussed in more detail below.

5. Calculation of the volume of water held above the natural level of the surrounding land

- 5.1 Section 4(2) of the Act provides the Department with the power, by regulation to make provision as to:
- a) how the volume of water capable of being held above the natural level of any part of the surrounding land is to be calculated; and
 - b) the meaning of “natural level” and “surrounding land”.
- 5.2 The Department has set out in the draft Regulations at Annex C the way the volume of water held in a reservoir above the natural level of the surrounding land will be calculated. It is proposed that the regulations will be as consistent as possible with the specifications for calculating the capacity of reservoirs in England, Scotland and Wales and therefore is based on the following general principles which may apply for all types of reservoirs:-
- The capacity is the estimated volume of water that would escape from a reservoir in the event of reservoir failure. This may be less than the total volume of water in the reservoir as any water held at or below the natural level of any part of the surrounding land will not escape.
 - The volume of water capable of being held above the natural level of any part of the surrounding land will be determined with reference to the bed of the reservoir, the top water level and the toe of the reservoir.
 - Silt or other material on the bed of a reservoir above the natural level of the surrounding land is included in the calculation of volume as silt or other material could be capable of flowing if a reservoir was to fail.

- In the case of a reservoir with a gated spillway it will be assumed that the gates are closed and, therefore, the top of the gate is the top water level.

- 5.3 The Department has also defined in the draft Regulations the meaning of “natural level” as the level of the natural land remaining after the construction or any alteration of a reservoir and “surrounding land” as being the land adjacent to a reservoir.

6. Information to be held on the controlled reservoirs register

- 6.1 Section 9 of the Act requires the Department to establish and maintain a register of controlled reservoirs. The Department has set out in the draft regulations at Annex C the information that it is proposed will be held on the controlled reservoirs register.
- 6.2 As required by the Act, the Department will make the register available for public inspection.
- 6.3 Registration of a controlled reservoir in the controlled reservoirs register is the first stage of the management and maintenance regime under the Act.

7. Information to be provided by a reservoir manager to register a controlled reservoir with the Department

- 7.1 Section 10 of the Act provides that a reservoir manager of a controlled reservoir must register the reservoir with the Department. The Department has specified the information that a reservoir manager must provide to the Department to register a reservoir in Schedule 1 to the draft Regulations at Annex C.
- 7.2 The information to be provided is necessary to enable the Department to communicate with reservoir managers at all times

e.g. in emergency situations. This includes the location of the reservoir and reservoir manager(s) name and contact details including mobile telephone numbers and the details of the part of the reservoir for which a manager has responsibility. This is particularly important where there are multiple reservoir managers for a reservoir and each reservoir manager must register that part of the reservoir for which they have responsibility.

- 7.3 Where a reservoir manager has nominated another reservoir manager to act on their behalf, as permitted by section 7 of the Act, the nominee reservoir manager must register the reservoir on behalf of the nominating manager, if responsibility for doing so is specified in the nomination. The name of the nominated reservoir manager must be provided to the Department as part of the registration process.
- 7.4 Sections 11 to 13 of the Act provides the timeframes for the registration of controlled reservoirs. Generally this will be 6 months from the date of commencement of Section 10 of the Act. The Act provides provision for the Department, where it considers it appropriate to do so, to extend the time period for a reservoir manager to provide it with information, and for different time periods to be specified for receipt of different information.

8. Frequency of visits to a controlled reservoir by a supervising engineer

- 8.1 Section 25 of the Act provides that a controlled reservoir designated as high consequence or medium consequence must be under the supervision of a supervising engineer at all times i.e. on an ongoing basis. A reservoir manager must commission a supervising engineer from the appropriate panel of engineers within 6 months of the reservoir designation taking effect. Section 26 of the Act provides the duties of a supervising engineer.
- 8.2 Section 27 makes provision for the Department to make regulations by draft affirmative procedure for:-
- a) there to be a standard frequency of visits that must be made by a supervising engineer to a high or medium consequence reservoir; and

b) the standard frequency to be different should the Department consider that the reservoir is of an acceptable standard as regards how it is being maintained.

8.3 The proposed standard frequency of visits and the different frequency of visits as well as the documents that will be considered by the Department in its decision as to a reservoir being of an acceptable standard as regards how it is being maintained, and the appeal process, is set out in the draft regulations at Annex D.

8.4 Notwithstanding the requirements contained in the regulations, section 35(4)(i) makes provision for an inspecting engineer to require a supervising engineer to visit a reservoir more frequently than is required by the regulations.

9. Recording of water levels and record keeping by a reservoir manager

9.1 Section 37 of the Act sets out the matters that reservoir managers of reservoirs designated as high or medium consequence have to keep a record of (known as “the recorded matters”) and it allows the Department, by regulations, to set out other matters that should be recorded. The regulations may also provide the information and form of the record to be maintained in respect of the recorded matters.

9.2 Schedule 2 to the draft regulations at Annex C sets out the other matters that must be recorded under section 37 and Schedule 3 to the regulations provide for the information to be included in relation to the recorded matters and the form of the record to be maintained.

9.3 Specifying the form of record keeping has a number of purposes:-

- It brings together key information about the operation of the reservoir that could be valuable in the event of any problem.
- It acts as a diary of the life of the reservoir, for example recording of maintenance, works, problems and steps to resolve those problems.
- Allows engineers commissioned in respect of the reservoir and the Department to identify and use the required data more easily.

- 9.4 The matters to be recorded and the information and form of record is similar to records maintained under reservoir safety legislation in the rest of the UK.

10 Display of emergency response information at a reservoir

- 10.1 Section 59(1) of the Act requires that reservoir managers of controlled reservoirs must ensure that emergency response information is displayed at or near the reservoir.
- 10.2 Section 59(2) provides that emergency response information is such information about the reservoir and the reservoir manager that is specified in regulations made by the Department. The information to be displayed is specified in the draft regulations at Annex C.
- 10.3 Section 59(4) enables the Department to give directions by notice to reservoir managers of controlled reservoirs as to the manner and location of the information to be displayed.

11. Dispute Referral process

- 11.1 The dispute referral process provides a form of arbitration between reservoir managers and construction or inspecting engineers. The Act provides that reservoir managers may challenge-
- a direction and/or recommendation given by an inspecting engineer in an inspection report; or
 - a direction given by a construction engineer in a safety report or certain matters contained in a preliminary certificate or a final certificate
- by referring it to a referee in accordance with regulations made by the Department under section 66. Any direction, recommendation or matter which is the subject of the dispute referral process,

will be suspended until the dispute process is determined by the referee or is withdrawn by the reservoir manager.

- 11.2 A referee is a reservoir engineer who is a member of an appropriate panel of engineers established by the Department, commissioned either by:
- agreement between the reservoir manager and the relevant engineer; or
 - where no agreement is reached, by the Institution of Civil Engineers (ICE).
- 11.3 The proposals are set out in draft Regulations at Annex C.
- 11.4 A referee has the power to modify any direction, recommendation or matter that is subject to a challenge and any inspection report, safety report, preliminary certificate or final certificate that are modified has effect in its modified form. A referee is required to give the reservoir manager and the relevant engineer a referral certificate containing his decision along with any modified report or certificate.
- 11.5 The dispute referral process being proposed is similar to the process in operation in the rest of the UK.

12. Stop Notices

- 12.1 Section 77 gives the Department powers to make regulations to permit the serving of a stop notice on a reservoir manager. A stop notice is defined as a notice prohibiting the carrying on of an activity, or permitting the carrying on of an activity by another until such steps as specified in the notice have been taken. The Act indicates the circumstances in which a stop notice may be issued and lists the conditions the Department must meet before exercising its power under the regulations. The Act also provides that regulations may:
- specify the content of a stop notice;
 - provide for the issue of completion certificates;
 - make provision for compensation to be paid to a reservoir

manager for loss suffered as a result of the serving of a stop notice;

- provide for right of appeal; and
- provide for offence and penalties as well as a defence to a charge of an offence.

12.2 In summary the draft regulations at Annex D provide that:-

- A stop notice must include information as to the grounds for giving the notice, rights of appeal and the consequence of non-compliance.
- Where after giving a stop notice to a reservoir manager, the Department is satisfied that the reservoir manager has taken all the steps specified in the notice, the Department must issue the reservoir manager with a completion certificate.
- A stop notice ceases to have effect on the giving of a completion certificate.
- The reservoir manager to whom the stop notice is given may at any time apply for a completion certificate.
- The Department must make a decision whether to give a completion certificate within 14 days of any application.
- A reservoir manager on whom a stop notice is given may appeal to the Water Appeals Commission against the notice or against the decision not to give a completion certificate.
- The Department (in certain circumstances) must consider a claim for compensation by a reservoir manager for loss suffered as a result of the serving of a stop notice.
- The Department will consider the claim for compensation and decide on the appropriate amount of compensation payable.
- The time periods for appeals to the WAC and powers securing that the Commission may confirm, quash or vary the Department's decisions as well as making it an offence not to comply with a stop notice and provides for a defence to a charge in proceedings for an offence.
- The Department has a power to recover costs reasonably incurred in relation to the serving of a notice.

13 Establishment of panels of reservoir engineers and the sections of the Act under which members of Panels may be commissioned

13.1 Reservoir engineers will play an important role in the supervision, inspection and construction of controlled reservoirs under the Act. Section 102 enables the Department to establish one or more panels of reservoir engineers and to appoint suitable engineers to be members of such panels. The Department must by order specify the sections within the Act and the types of reservoir in relation to which members of such panels may be commissioned by reservoir managers to undertake various roles.

13.2 It is proposed that the Department will establish 4 panels of reservoir engineers. These are the:

- All reservoir panel
- Service reservoirs panel
- Non-impounding reservoirs panel
- Supervising panel.

13.3 The difference between the panels is based on the function. The first three are “inspecting panels”, where members are qualified to design, supervise the construction of, and inspect the different kinds of reservoirs i.e. members of the all reservoir panel may undertake functions on all types of reservoirs, while members of service panel and non-impounding panel can only carry out functions in relation to service reservoirs and non-impounding reservoirs respectively. These engineers can also act as supervising engineers for any reservoir. Supervising engineers are qualified to supervise all reservoirs under the Act and advise the reservoir managers on the safety of a reservoir between inspections.

13.4 The draft Order at Annex E provides the sections of the Act under which members of each panel may be commissioned and is summarised below:-

All Reservoirs Panel - members of this panel are qualified to design and supervise the construction and alteration of, to inspect and

report upon, to act as supervising engineers, to act as referees and for the purposes of emergency powers for all the reservoirs to which the Act applies.

Service Reservoirs Panel - members of this panel are qualified to design and supervise the construction of, to inspect and report on, and to act for the purposes of emergency powers for service reservoirs and to act as supervising engineer for all reservoirs to which the Act applies. A service reservoir is a non-impounding reservoir which is constructed of brickwork, masonry, concrete or reinforced concrete.

Non-impounding Reservoir Panel - members of this panel are qualified to design and supervise the construction and alteration of, inspect and report upon, to act for the purposes of emergency powers for non-impounding reservoirs and to act as supervising engineers for all reservoirs to which the Act applies. Non-impounding reservoirs do not obstruct or impede the flow of a watercourse, they are filled by pumping or manmade leats etc from an adjacent watercourse.

Supervising Engineers Panel - members of this panel are qualified to supervise all reservoirs to which the Act applies.

- 13.5 These panels of engineers are the same as the panels of reservoir engineers established under the Reservoirs Act 1975, which applies to England and Wales, and the panels of reservoir engineers established under the Reservoirs (Scotland) Act 2011. They recognise the experience and qualifications that an engineer requires to undertake specific roles under the Act. An engineer may specialise in one or more roles therefore an engineer may be appointed to one or more panels, with the exception of the All Reservoirs Panel as they will be qualified to fulfil the roles or functions of an inspecting, supervising and construction engineer for all categories of controlled reservoirs.
- 13.6 Section 103 enables transitional arrangements for the first appointment of engineers to the Northern Ireland panels, utilising appointments made under the Reservoirs Act 1975 to the Defra panels.
- 13.7 For future appointments, the Institution of Civil Engineers (ICE) will recommend to the Department those engineers that it considers suitable for appoint to the appropriate Northern Ireland panels as it does with appointments to the panels in England, Wales and Scotland.

14. Provision to enable the Department to pay reservoir safety grants to reservoir managers

- 14.1 Section 114 of the Act provides the Department with the power by regulations to provide for payment of grants to reservoir managers of controlled reservoirs for the purposes of enabling or assisting the managers to comply with their obligations arising by virtue of the Reservoirs Act.
- 14.2 The draft regulations at Annex D provide for a grant scheme to be developed and be subject to such terms and conditions as the Department may determine (including conditions as to repayment in the event of contravention of the other terms or conditions on which the grant is made).
- 14.3 Options are currently being developed to inform consideration of an appropriate and affordable grant scheme to assist with the cost of reservoir safety works.

15. Form and content of notices, the form of written statements, reports and certificates under the Act

- 15.1 Under the Reservoirs Act there are a number of requirements for reservoir managers to provide notices to the Department and for panel engineers to issue reports, certificates and written statements to reservoir managers. Section 118 of the Act enables the Department to make further provision in regulations about the form and content of any notice and the form of any report, written statement, or certificate under the Act.
- 15.2 Schedules 5 to 12 to the draft regulations at Annex C provide the form and content of notices to be provided by reservoir managers and schedules 13 to 28 provide the form of any written statement,

reports or certificates to be provided by supervising engineers, inspecting or construction engineers.

- 15.3 The reason for providing the form and content of notices, forms etc. is that it will ensure reservoir managers and engineers provide consistent and easy to understand records. These forms are similar to the forms required under reservoir safety legislation in the rest of the UK.

PART 3 - DESIGNATION

16. Designation Criteria

- 16.1 Section 17 of the Act requires the Department to give a controlled reservoir a reservoir designation as soon as reasonably practicable after registering the reservoir in the controlled reservoirs register. The reservoir designation will determine the management and maintenance regime that will apply to a controlled reservoir as provided by the relevant sections of the Act.
- 16.2 The Department will give each controlled reservoir one of the following designations:-
- High consequence reservoir
 - Medium consequence reservoir
 - Low consequence reservoir
- 16.3 When giving a reservoir designation the Department must take account of the matters provided for by Section 22(1) of the Act, in so far as it is reasonably practicable to do so. These matters are :-
- The potential **adverse consequence** of an uncontrolled release of water from the controlled reservoir, and
 - The **probability** of such a release.
- 16.4 **Adverse Consequences** - Section 22(2) of the Act provides that the potential adverse consequences of an uncontrolled release of water include the potential damage to any of the following:
- Human life or human health;
 - The environment;
 - Economic activity; and
 - Cultural heritage.
- 16.5 The potential adverse consequences to the matters listed above will be scored against set criteria for each designation category as detailed in the summary table below. The highest designation scored against each of the criteria for any of the above will be the designation that the reservoir is given.

- 16.6 **Probability** - There is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir. Therefore, until such time an industry methodology is agreed, the Department will give a reservoir designation based on the potential adverse consequences of an uncontrolled release of water from the controlled reservoir.

Reservoir Designation Maps

- 16.7 To assist in the reservoir designation process the Department has produced two sets of maps for each controlled reservoir. One map shows the flood extent of the reservoir inundation and the other map which will be used for designation purposes will show depths and velocities within the inundation area. The flood extent maps will be publically available at <https://dfi-ni.maps.arcgis.com/home/index.html> however the maps showing depths and velocity will not be available to the public as this information is considered official sensitive.
- 16.8 The maps, developed using computer models, will assume total reservoir failure and show the extent of the potential flooding and detail the depth and velocity of the flood water in the inundation area. The methodology used to produce the inundation maps takes account of the materials used to construct the reservoir and the type of reservoir i.e. whether it is an impounding, non-impounding or service reservoir.
- 16.9 The maps when overlaid with relevant datasets will also detail any of the receptors listed and the designation Panel will consider the impacts on these receptors against the designation criteria. The criteria is detailed in the summary table below.
- 16.10 In addition, as appropriate, engineering and professional judgement/ advice as well as local knowledge may be taken into account when determining the reservoir designation.
- 16.11 The Department will give a controlled reservoir a reservoir designation by notice served on the reservoir manager. The Act provides a reservoir manager with the right for a review of the designation (section 20) and following a review a right of appeal to the Water Appeals Commission (section 21 refers). The Act also requires the Department to re-assess the reservoir designation when it considers it appropriate and in any event at least every 10 years (section 18 refers).

Designation Criteria - Summary Table

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Human Life and Health	Risk to life or health for one or more persons within the reservoir inundation area determined by one or more property/properties within the area(s) and represented as danger to all (red), danger to most (orange) or danger to some (yellow) on the Flood Hazard to People mapping.	Not applicable - no requirement for a medium designation in relation to human life and health.	No risk to life or health identified within the reservoir flood inundation area represented as very low hazard (green) on the Flood Hazard to People inundation mapping.
Environment	Not applicable - no requirement of a high consequence designation in relation to the environment.	The inundation from a reservoir is likely to cause loss or a severe impact on one or more SAC, SPA, ASSI or Ramsar features i.e. assessed as having moderate or high vulnerability assessed as a function of 'Susceptibility' x 'Resilience'.	The inundation from a reservoir is likely to cause a significant impact on one or more SAC, SPA, ASSI or Ramsar features i.e. assessed as having very low or low vulnerability assessed as a function of 'Susceptibility' x 'Resilience'

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Economic Activity - Commercial/ Business	<p>There is one or more commercial property(ies) or business(es) in the reservoir inundation area and</p> <p>the velocity of water is equal or greater than 2m/s and the depth and velocity combined is equal to or greater than 3m²/s in the inundation area ($V \geq 2\text{m/s}$ and $DV \geq 3\text{m}^2/\text{s}$) represented as red or orange coloured banding on the Binnie and Partners reservoir inundation mapping</p>	<p>Not applicable - no requirement for a medium designation in relation to economic activity Commercial / Business</p>	<p>There is one or more commercial property(ies) or business(es) in the reservoir inundation area and the velocity of water is less than 2m/s or depth and velocity combined is less than 3m²/s in the inundation area ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green coloured banding on the Binnie and Partners reservoir inundation mapping.</p>
Economic Activity - transport	<p>There are any of the following in the inundation area:-</p> <p>Motorway</p> <p>A class road</p> <p>Airport</p> <p>Railway</p>	<p>There are B Class and C Class roads in the reservoir inundation area.</p>	<p>There are unclassified roads in the reservoir inundation area.</p>

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Economic Activity - Agriculture land	Not applicable - no requirement for a High designation	There is agricultural land classified as Grade 1 or Grade 2 within the inundation area and the velocity of water is equal or greater than 2m/s and the depth and velocity combined is equal to or greater than 3m ² /s in the inundation area ($V \geq 2\text{m/s}$ and $DV \geq 3\text{m}^2/\text{s}$) represented as red or orange coloured banding on the Binnie and Partners reservoir inundation mapping	There is agricultural land classified as Grade 3, Grade 3a, Grade 3b, Grade 4 or Grade 5 within the inundation area or there is agricultural land classified as Grade 1 or Grade 2 in the inundation area and the velocity is less than 2m/s or depth and velocity combined is less than 3m ² /s ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green coloured banding on the Binnie and Partners reservoir inundation mapping.

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Cultural Heritage	<p>The velocity of water is greater than 2m/s and depth and velocity combined is greater than 7m²/s in the inundation area ($V > 2\text{m/s}$ and $DV > 7\text{m}^2/\text{s}$ represented as red on the inundation map) and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>	<p>The velocity of water is less than 2m/s and depth and velocity combined is greater than 3m²/s but less than 7m²/s in the inundation area ($V < 2\text{m/s}$ and $3\text{m}^2/\text{s} < DV < 7\text{m}^2/\text{s}$) represented as orange on the inundation map) and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>	<p>The velocity of water is less than 2m/s or depth and velocity combined is less than 3m²/s in the inundation area ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green on the inundation map</p> <p>and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>

ANNEXES

ANNEX A

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2019 No. 000

FLOOD RISK MANAGEMENT

**The Reservoirs (2015 Act) (Commencement No. 1)
Order (Northern Ireland) 20****

Made - - - -

The Department for Infrastructure ^(a) makes the following Order in exercise of the powers conferred by section 130(2) of the Reservoirs Act (Northern Ireland) 2015^(b) and now vested in it.

Citation and interpretation

1.—(1) This Order may be cited as The Reservoirs (2015 Act) (Commencement No. 1) Order (Northern Ireland) 20**.

(2) In this Order “the Act” means the Reservoirs Act (Northern Ireland) 2015.

Appointed Day

2. The day appointed for the coming into operation of the provisions of the Act specified in the Schedule is <Date> <Month> 20**.

Sealed with the Official Seal of the Department for Infrastructure on



Address
Date

To insert name
A senior officer of the
Department for Infrastructure

^(a) S.R. 2021 No.114 (see article 4).

^(b) 2015 c.8 (N.I.).

SCHEDULE 1

Provisions of the Act coming into operation in accordance with Article 2

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 3	Matters to be taken into account under section 2(3)
Section 4	Controlled reservoirs: further provision
Section 7	Multiple reservoir managers: supplementary
Section 8	Duty of multiple reservoir managers to co-operate
Section 9	Controlled reservoirs register
Section 10	Reservoir managers' duty to register with the Department
Section 11	Structures or areas which are controlled reservoirs on the relevant date
Section 12	Structures or areas which become controlled reservoirs after the relevant date
Section 13	Structures or areas which are the subject of regulations under section 2(3)
Section 15	Registration: supplementary
Section 16	Offences: registration
Section 17	Giving a reservoir designation
Section 18	Periodic re-assessment of reservoir designation
Section 19	Date on which reservoir designation given under Section 17 or given as different designation under Section 18 takes effect
Section 20	Review by Department of its decision under Section 17 or Section 18
Section 21	Appeal against Department's decision in a review under Section 20
Section 22	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)
Section 23	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision.
Section 24	High-consequence reservoirs, medium-consequence reservoirs and low-consequence reservoirs: further provision
Section 25(3)	Definition of supervising engineer
Section 26(10) for the purposes of sections 26 and 35	Duties etc. in relation to supervision
Section 30(1)	Inspection timings
Section 30(5) in so far as it defines an "inspecting engineer" as an engineer duly commissioned under section 34 to inspect a high-consequence or medium-consequence reservoir when required by section 30, 31 or 32	Definition of an inspecting engineer

Section 31(1) and (6)	Inspection timings: - reservoir subject to a pre-commencement inspection report and meaning of relevant date
Section 32	Inspection timings: other qualifications
Section 33	Pre-commencement inspection report
Section 34(1)(a), (2), (4) and (5)	Commissioning of an inspecting engineer to undertake inspection
Section 35(1), (4)(a), (b), (e), (f), (g) and (h), (5)(a), (6)(a) and (c) and (7)	Duties etc. in relation to inspection
Section 38(1)(e), except in relation to the requirements of section 34(1)(b)	Offences in relation to requirements of 34(1)(a) commission of inspection engineer and associated penalties as they relate to offences commenced
Section 38(2)(c)	Offence: notice of commission of inspecting engineer
Section 38(3) in relation to an offence under section 38(1)(e) that is attributable to a failure to comply with the requirements of section 30, 31, 32 or 34(1)(a)	Penalties in relation to offences
Section 38(3) in relation to an offence under section 38(2)(c)	Penalty in relation to offence
Section 41	Application of Part 3 etc.
Section 43	Notice to Department and commissioning of construction engineer
Section 44	Supervision of relevant works and reservoir safety by construction engineer
Section 45	Safety report
Section 46	Safety report: compliance
Section 47	Preliminary certificate
Section 48	Construction certificate
Section 49	Final certificate
Section 50	Preliminary and final certificate: compliance
Section 51	Termination of supervision by construction engineer
Section 52	Offences: construction or alteration
Section 53	Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate
Section 54	Defences: offences under 53(1)
Section 55	Controlled reservoirs subject to relevant works on the commencement date
Section 58	Maintenance of records
Section 59(2) and (3)	Display of emergency response information

Section 60(1)(c), and section 60(3) so far as it relates to failure to comply with requirements of section 58	Offences under Part 4
Section 61	Referral to referee: directions in safety report or inspection report
Section 62	Referral to referee: requirements in preliminary certificate or final certificate
Section 63	Commissioning of referee
Section 64	Powers of referee: referral under section 61(2)
Section 65	Powers of referee: referral under section 62(1)
Section 66	Procedure etc.
Section 67(1)(b) and (c), (2) and (3)	Enforcement notice: commissioning an inspecting or construction engineer
Section 68 in so far as it concerns the commissioning of an inspecting or construction engineer	Offence: failure to comply with a notice under section 67(2)
Section 69 in so far as it concerns the commissioning of an inspecting or construction engineer	Commissioning of engineer by Department
Section 70(b) and(c)	Commissioning by the Department: engineers' reports, certificates, recommendations etc.
Section 74 in relation to an offence under section 53(1)(a)	Offence: failure to comply with direction in safety report further remedies
Section 75	Emergency powers
Section 76 as regards costs in relation to the commissioning of an inspecting or construction engineer under section 69 or costs under section 75	Recovery of costs
Section 77	Stop notices
Section 78	Stop notices: content and procedure
Section 79	Stop notices: compensation
Section 80	Stop notices: enforcement
Section 90(1)(a)	Consultation: section 77(2)(stop notices)
Section 90(2) in relation to the consultation required by section 77(2)	Persons to be consulted
Section 91 in relation to regulations under section 77(1)	Recovery by the Department of certain costs in relation to regulations under section 77(1)

Section 98, except so far as it defines a “relevant engineer” as a supervising engineer (including a nominated representative of a supervising engineer under section 26(7) who is acting as such in the event of the supervising engineer being unavailable)	Affording of reasonable facilities to engineers
Section 99	Power of the Department to require information and assistance from reservoir managers
Section 100, in relation to failure to comply with the requirements of section 98 as respects a relevant engineer who is not a supervising engineer (including a nominated representative of a supervising engineer under section 26(7) (a) who is acting as such in the event of the supervising engineer being unavailable), and in relation to failure to comply with the requirements of section 99	Offences: section 98 and 99
Section 101	Power to require information and assistance from others
Section 102	Panels of reservoir engineers
Section 103	Appointment of members to panels: further provision
Section 104	Removal of panel members
Section 105	Dissolution or alteration of panels etc.
Section 106	Review of decision not to appoint, or to remove civil engineers from panels etc.
Section 107	Consultation with Institution of Civil Engineers
Section 108	Reimbursement of costs incurred by Institution of Civil Engineers

Section 109(1) and (3) to (5), except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Power of Water Appeals Commission to award costs in appeals
Section 109(2)(a) and (e)	Power of Water Appeals Commission to award costs in appeal under section 21 and by virtue of regulations under section 77(1)
Section 109(2)(d) except so far as relating to: an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73.	Power of Water Appeals Commission to award costs in appeals
Section 110 except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Orders as to costs in relation to an appeal
Section 111 except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Fees in relation to appeals
Section 112	Time limit for certain summary offences under the Act
Section 113	National security: further provision
Section 115	Assessment of engineers' reports etc.

Section 116	Publication of information as regards ranges of costs of engineers' services
Section 117	Notice to the Department of revocation of commissioning, or resignation, of engineer
Section 118	Form and content of notices, reports, certificates etc.
Section 119	Electronic serving or giving of notices or other documents
Section 120	Change to the Institution of Civil Engineers
Section 121	Civil liability
Section 122	Application to the Crown
Section 123	Enforcement in relation to the Crown
Section 124	Service or giving of notices or other documents: the Crown
Section 125	Offences by bodies corporate and partnerships
Section 129	Minor and consequential amendments and repeals
Schedule 1	Pre-commencement inspection reports: review of decision under section 33(2)
Schedule 3	Minor and consequential amendments
Schedule 4	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of the provisions of the Reservoirs Act (Northern Ireland) 2015 listed in the Schedule to the Order.

ANNEX B

Draft Order laid before the Assembly under Section 130(3) of the Reservoirs Act (Northern Ireland) 2015, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20** No.***

FLOOD RISK MANAGEMENT

The Reservoirs (2015 Act) (Commencement No. 2) Order (Northern Ireland) 20**

Made - - - - - ***

Laid before the Assembly in draft ***

Coming into operation ***

The Department for Infrastructure^(a), in exercise of the powers conferred by section 130(2) of the Reservoirs Act (Northern Ireland) 2015^(b) and now vested in it, makes the following Order.

Citation and interpretation

1. — (1) This Order may be cited as the Reservoirs (2015 Act) (Commencement No. 2) Order (Northern Ireland) 20**.
- (2) In this Order “the Act” means the Reservoirs Act (Northern Ireland) 2015.

Appointed Day

2. The day appointed for the coming into operation of the provisions of the Act listed in the Schedule is <Date> <Month> 20**.

Sealed with the Official Seal of the Department for Infrastructure on ***



Address
Date

Name to be inserted
A senior officer of the Department for Infrastructure

^(a) S.R. 2021 No. 114 (see article 4).

^(b) 2015 c.8 (N.I.)

SCHEDULE

Provisions of Act coming into operation in accordance with Article 2

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 25(1), (2), (4) and (5)	Supervision requirement and commissioning of supervising engineer etc.
Section 26 (1) to (9)	Duties etc. in relation to supervision
Section 26(10), for the purposes of sections 27 to 31 and 37	References to supervising engineer
Section 27	Regulations as to visits by supervising engineer
Section 28	Visual inspection directed under section 26(4) (a): further provision
Section 29	Nominated representative under section 26(7) (a): further provision
Section 30(2) to (4)	Inspection timing: general requirements
Section 30(5), in so far as it defines an “inspecting engineer” as an engineer duly commissioned under section 34 to supervise the taking of a measure referred to in section 34(1)(b)	Definition of an inspecting engineer
Section 31(2) to (5)	Inspection timing: reservoir subject to pre-commencement inspection report
Section 34(1)(b) and (3)	Requirement to commission inspecting engineer to supervise the taking of any measure as mentioned in section 35(4)(e) or taking of a pre-commencement safety recommendation, and the definition of a pre-commencement safety recommendation
Section 35(2), (3) (4)(c), (d) and (i), (5)(b) and (6) (b)	Duties etc. in relation to inspection – specifying duty of a reservoir manager, definition of a pre-commencement inspection report certificate, measures to be specified in an inspection report and need to copy to a supervising engineer
Section 36	Inspection reports: compliance
Section 37	Recording of water levels etc. and record keeping
Section 38(1)(a), (b), (c), (d), and (f)	Offences in relation to sections 25(2), 28(1), 28(2)(a), 28(2)(c), and 37 regarding supervision, inspection and record keeping
Section 38(1)(e) in relation to the requirements of section 34(1)(b)	Offence: securing the supervision by inspecting engineer
Section 38(2)(a), (b), (d) and (e)	Offences in relation to sections 25(4), 26(8)(a) or (b), 35(2) and 36(2)(b) regarding notice to the Department of commissioning of supervising engineer and giving copies of reports etc. to supervising or inspection engineer, and notice to the Department of commissioning of any other qualified engineer

Section 38(3) in relation to an offence under section 38(1) (a), (b), (c), (d) or (f) or (2)(a), (b), (d) or (e)	Penalties in relation to offences
Section 38(3) in relation to an offence under section 38(1)(e) that is attributable to a failure to comply with the requirements of section 34(1)(b)	Penalty in relation to offence
Section 39	Offence in connection with inspection: failure to secure compliance with safety direction or recommendation
Section 40	Defences: offence under section 39(1)
Section 67(1)(a)	Enforcement notice – commissioning of a supervising engineer per section 25(2)
Section 68 in so far as it concerns the commissioning of a supervising engineer	Offence: failure to comply with a notice under section 67(2)
Section 69 in so far as it concerns the commissioning of a supervising engineer	Commissioning of engineer by Department
Section 70(a)	Commissioning by the Department: engineers' reports, certificates, recommendations etc.
Section 71	Enforcement notice: safety measures
Section 72	Offence: failure to comply with notice under section 71(2)
Section 73	Department's power to arrange taking of safety measures
Section 74 in relation to an offence under 39(1)	Offence: failure to comply with direction in inspection report or pre-commencement safety recommendation: further remedies
Section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69 and costs under section 71 or 73	Recovery of costs
Section 92	Publication of enforcement action
Section 98, so far as it defines a "relevant engineer" as a supervising engineer (including a nominated representative of a supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable)	Affording reasonable facilities to engineers
Section 100, in relation to failure to comply with the requirements of section 98 as respects a relevant engineer who is a supervising engineer (including a nominated representative of a supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable)	Offences: section 98
Section 109(1) and (3) to (5), so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Power of the Water Appeals Commission to award costs in relation to an appeal

Section 109(2)(b)	Award of costs in relation to an appeal by virtue of regulations under section 27
Section 109(2)(d) so far as relating to: an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Award of costs in relation to an appeal under section 76
Section 110 so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Orders as to costs in relation to an appeal
Section 111 so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Fees in relations to appeals
Section 114	Grants

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of the provisions of the Reservoirs Act (Northern Ireland) 2015 listed in the Schedule to the Order.

ANNEX C

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20 No.****FLOOD RISK MANAGEMENT****The Reservoirs (Northern Ireland) Regulations 20****

<i>Made</i>	- - - -	20**
<i>Laid</i>		20**
<i>Coming into operation</i>	-	20**

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 4(2), 9(2), 10(2), 37(1)(e), 37(2), 58(3), 59(2), 66(1), 188 and 127(4) of the Reservoirs Act (Northern Ireland) 2015^(a).

In accordance with section 4(3) of that Act, the Department has consulted the Institution of Civil Engineers and other organisations as it considers appropriate in relation to the calculation of volume.

PART 1**Introduction****Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Reservoirs (Northern Ireland) Regulations 20** and shall come into operation on <Date> 20**.

(2) In these Regulations—

“the Act” means the Reservoirs Act (Northern Ireland) 2015^(b);

“the Department” means the Department for Infrastructure;

“final certificate” means a certificate prepared by a construction engineer in accordance with section 49 of the Act;

“inspection report” means a report prepared by an inspecting engineer in accordance with section 35 of the Act;

“preliminary certificate” means a certificate prepared by a construction engineer in accordance with section 47 of the Act;

“relevant engineer” has the same meaning as section 63(4) of the Act;

“safety report” means a report prepared by a construction engineer in accordance with section 45 of the Act;

^(a) 2015 c. 8 (N.I.)

^(b) 2015 c. 8 (N.I.)

PART 2

Capacity, Registration and Record Keeping

Calculation of volume

2.—(1) For the purposes of sections 1, 2, 41, 45 and 49 of the Act the volume of water capable of being held above the natural level of any part of the surrounding land is to be calculated by measuring the volume of water (in cubic metres) which is capable of being held—

- (a) above the bed of the reservoir; and
- (b) between the toe of the reservoir and its top water level.

(2) Water not capable of flowing out of the reservoir over natural land in the event of an uncontrolled release of water from the reservoir shall not be included in the calculation.

(3) In paragraph (1)—

“bed” in relation to a reservoir includes any silt or other material that is incapable of flowing out of the reservoir over natural land in the event of an uncontrolled release of water;

“natural level” is the level of the natural land remaining after the construction or any alteration of a reservoir;

“surrounding land” is the land adjacent to a reservoir;

“toe” in relation to a reservoir means the point on the downstream side of a dam, reservoir wall, or embankment where the base of the dam, reservoir wall or embankment, as the case may be, meets the lowest natural level of any part of the surrounding land including the lowest bed level of any watercourse;

“top water level” means—

- (a) in the case of a reservoir with a fixed overflow sill, the lowest crest level of that sill;
- (b) in the case of a reservoir the overflow from which is controlled wholly or partly by movable gates, siphons or otherwise, the maximum level to which water may be held exclusive of any provision for flood storage; or
- (c) in the case of a reservoir designed for the purpose of holding back floodwater, the maximum level to which floodwater may be held during any flood event exclusive of any provision for overflow

Controlled reservoirs register

3. The Department will establish and maintain a controlled reservoirs register which must contain the information in relation to each controlled reservoir as specified below—

- (a) name and location of the reservoir;
- (b) designation of the reservoir; and
- (c) a copy of the reservoir inundation outline map.

Information to be provided by a reservoir manager to register a controlled reservoir

4.— (1) The reservoir manager of a controlled reservoir must, under section 10(1) of the Act, register the reservoir with the Department in accordance with sections 11 to 13 of the Act by providing the Department, in writing, with the information specified in Schedule 1.

(2) For the purposes of maintaining the controlled reservoirs register, the Department may request further information or documents in relation to a reservoir from a reservoir manager and the reservoir manager must provide such information to the Department within 28 days of any such request.

Recording of water levels etc. and record keeping

5. — (1) The record of matters (“the recorded matters”) to be maintained by a reservoir manager under section 37(1) of the Act must, in addition to the matters required by subsection (1)(a) to (d) of that section, include the other matters specified in Schedule 2.

(2) The information to be included in relation to the recorded matters and the record to be maintained under section 37(1) must be in the form as specified in Schedule 3.

Record of repairs

6. The information about repairs to low consequence reservoirs to be contained in a record of relevant documents pursuant to section 58(3) (maintenance of records) of the Act must be in the form set out in Schedule 4.

PART 3

Emergency Response and Dispute Referral

Display of emergency response information

7. The reservoir manager of a controlled reservoir must ensure that the following information is displayed at or near the controlled reservoir at all times—

- (a) reservoir name;
- (b) name and address of reservoir manager;
- (c) registration number;
- (d) contact number for the reservoir manager;
- (e) contact telephone number for the Department in the event of an emergency at a high consequence or medium consequence reservoir.

Time within which a referee may be commissioned by agreement

8. The time within which a referee (“the referee”) may be commissioned under section 63(1)(a) (commissioning of referee) of the Act by agreement between the reservoir manager and the relevant engineer, is a period of 60 days beginning with, as the case may be—

- (a) the day on which the inspection report or the safety report, which contains the direction or recommendation which is to be referred to the referee by the reservoir manager under section 61(2) of the Act, was given to the reservoir manager; or
- (b) the day on which the preliminary certificate or the final certificate, which contains the matters which are to be referred to the referee by the reservoir manager under section 62(1) of the Act, was given to the reservoir manager.

Time within which a request to the Institution of Civil Engineers to commission a referee may be made

9. The time within which a request to the Institution of Civil Engineers for the commissioning of a referee (“the referee”) under section 63(1)(b) of the Act may be made, is a period of 70 days beginning with, as the case may be—

- (a) the day on which inspection report or safety report, which contains the direction or recommendation which is to be referred to the referee by the reservoir manager under section 61(2) of the Act, was given to the reservoir manager; or
- (b) the day on which the preliminary certificate or the final certificate, which contains the matters which are to be referred to the referee by the reservoir manager under section 62(1) of the Act, was given to the reservoir manager.

Procedure and manner of the request

10. —(1) Any request to the Institution of Civil Engineers for the commissioning of a referee (“the referee”) under section 63(1)(b) of the Act must be made in writing.

(2) Where the subject of the referral to be made to the referee is a direction or recommendation contained in a safety report or an inspection report, the request must be accompanied by—

- (a) the safety report or the inspection report containing the direction or recommendation;
- (b) a statement specifying the terms of the direction or recommendation in the safety report or, as the

case may be, the inspection report for which the commission is requested;

- (c) where the report containing the direction is a safety report, any safety measure certificate given in relation to the report; and
- (d) where the report containing the direction is an inspection report, any interim inspection compliance certificate given in relation to the report.

(3) Where the subject of the referral to be made to the referee is a matter contained in a preliminary certificate or final certificate, the request must be accompanied by—

- (a) the preliminary certificate or the final certificate which contains the matter; and
- (b) a statement specifying the matter in the preliminary certificate or, as the case may be, the final certificate for which the commission is requested.

Procedure in the referral before the referee

11. —(1) A referee commissioned under section 63(1) must, within a period of 28 days beginning with the day on which the referee is commissioned, invite the reservoir manager in question to give to the referee a statement in writing of the grounds of challenge under, as the case may be—

- (a) section 61(2) (referral to referee: directions or recommendation in a safety report or inspection report) of the Act; or
- (b) section 62(1) (referral to referee: matters in preliminary certificate or final certificate) of the Act.

(2) Where a reservoir manager is invited to give a statement under paragraph (1), the reservoir manager must give the statement in writing to the referee within a period of 28 days beginning with the day on which the reservoir manager is invited to do so.

(3) Where a referee is given a statement in accordance with paragraph (2), the referee must give a copy of the statement to the relevant engineer and invite the engineer to give to the referee observations in writing in relation to the statement within a period of 28 days beginning with the day on which the engineer was given the copy of the statement.

(4) Where the referee is given observations in accordance with paragraph (3), the referee—

- (a) must give a copy of the observations to the reservoir manager and invite the manager to give to the referee comments in writing in relation to the observations within a period of 21 days beginning with the day on which the manager was given the copy of the observations; and
- (b) may arrange to meet the reservoir manager and the relevant engineer, or their representatives, to hear any observations that either party may wish to make orally.

(5) The referee may carry out an investigation and this may include an inspection of the reservoir in question (with or without the reservoir manager and the relevant engineer, or their representatives) before making a decision under, as the case may be—

- (a) section 64 (powers of referee: referral under section 61(2)) of the Act; or
- (b) section 65 (powers of referee: referral under section 62(1)) of the Act.

Cost of investigation and proceedings (including the remuneration of the referee)

12. The cost of any investigation and proceedings (including the remuneration of the referee) arising in consequence of a referral under section 61(2) or section 62(1) of the Act are expenses for the purposes of section 66(2) of the Act (expenses of the investigation and proceedings to be paid by the reservoir manager who makes the referral).

PART 4

Form and Content of Notices, Reports, Certificates etc.

Notices by reservoir managers

13. A notice required to be given by a reservoir manager under the Act must be in the form and include the content as specified below—

- (a) Schedule 5: notice under section 7(5) (nomination of reservoir manager);
- (b) Schedule 6: notice under section 15(1) (ceasing to be a reservoir manager);
- (c) Schedule 7: notice under section 15(2) (becoming a reservoir manager);
- (d) Schedule 8: notice under section 25(4) (commissioning of supervising engineer);
- (e) Schedule 9: notice under section 34(2) (commissioning of inspecting engineer);
- (f) Schedule 10: notice under section 43(1) (proposed relevant works);
- (g) Schedule 11: notice under section 43(2) (commissioning of construction engineer);
- (h) Schedule 12: notice under section 117(1) (revocation of commission of a reservoir engineer).

Notices by supervising engineers

14. — (1) A notice required to be given by a supervising engineer under section 26(2)(a) the Act must be in the form and include the content as set out in Schedule 13;

(2) A notice required to be given by a supervising engineer under section 26(2)(g) or (h) must be in the form and include the content as set out in Schedule 14.

Statement by supervising engineer

15. An annual statement given by a supervising engineer under section 26(5) of the Act must be in the form set out in Schedule 15.

Reports by inspecting or construction engineer

16. An inspection report given by an inspecting engineer under section 35 of the Act must be in the form set out in Schedule 16.

17. A safety report given by a construction engineer under section 44 of the Act must be in the form as set out in Schedule 17.

Certificates by inspecting engineer

18. A certificate given by an inspecting engineer under the Act must be in the form as specified below—

- (a) Schedule 18: certificate under section 36(3) (interim inspection compliance certificate);
- (b) Schedule 19: certificate under section 36(5) (inspection compliance certificate).

Certificates by construction engineer

19. A certificate given by a construction engineer under the Act must be in the form as specified below—

- (a) Schedule 20: certificate under section 46 (safety measure certificate);
- (b) Schedule 21: certificate under section 47 (preliminary certificate);
- (c) Schedule 22: certificate under section 48 (construction certificate);
- (d) Schedule 23: certificate under section 49(1) (final certificate for purposes of construction or alteration of a controlled reservoir);
- (e) Schedule 24: certificate under section 49(3) (final certificate for the purposes of discontinuance of a controlled reservoir);
- (f) Schedule 25: certificate under section 49(5) (final certificate for the purposes of abandonment of a controlled reservoir).

Certificates by a referee

20. A certificate given by a referee under the Act must be in the form as specified below—

- (a) Schedule 26: referral certificate under section 64 (referral under section 61(2));
- (b) Schedule 27: referral certificate under section 65 (referral under section 62(1)).

Notice of resignation of engineer

21. A notice regarding the resignation of a reservoir engineer commissioned in relation to a reservoir pursuant to section 117(2) of the Act must be in the form set out in Schedule 28.

Sealed with the Official Seal of the Department for Infrastructure on 20**

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE 1

Regulation 4(1)

INFORMATION TO BE PROVIDED BY A RESERVOIR MANAGER TO REGISTER A CONTROLLED RESERVOIR

Reservoir details

Name and location of the controlled reservoir

Reservoir type (i.e. impounding, non-impounding, service)

Public Access – Yes /No

Reservoir manager details (if more than one reservoir manager the details for each manager must be provided).

Name of reservoir manager

Contact name and contact details (if organisation/company)

Part of reservoir with management responsibility

Grid reference of part of reservoir with management responsibility

Postal address of reservoir manager

E-mail address of reservoir manager

Landline telephone number of reservoir manager

Mobile telephone number of reservoir manager

Name of nominated reservoir manager (if applicable)

SCHEDULE 2

Regulation 5(1)

OTHER MATTERS OF WHICH A RECORD MUST BE MAINTAINED UNDER SECTION 37(1) OF THE ACT

- (a) The name of any reservoirs engineer commissioned by the reservoir manager.
- (b) A description of the access to the reservoir.
- (c) The certified level up to which the reservoir may store water, its surface water area, capacity and fetch.
- (d) The structural character of the dam(s), reservoir wall(s) or embankment(s), their date (or approx. date) of completion (if known), height, level of the top of the dam(s), reservoir wall(s) or embankment(s) and of the wave wall above ordnance datum.
- (e) Details of draw off works, bottom outlets, or any other means of lowering the water level, together with their maximum rates of discharge.
- (f) The physical characteristics of direct and indirect catchment areas of the reservoir and method of filling from indirect catchment areas.
- (g) The standard average annual rainfall on direct and indirect catchment areas of the reservoir.
- (h) The type, location and level of spillway works and the safety provisions made in connection with their operation.
- (i) Details of relevant work notified to the Department under section 43 of the Act (proposed works to construct or alter a controlled reservoir).
- (j) The measures taken in the interests of safety or which might affect safety.
- (k) Details of directions by a supervising engineer.
- (l) Any unusual events which could affect the safety of the reservoir.
- (m) The commission of any referee under section 61 of the Act.
- (n) A drawing register detailing all drawings of the reservoir (where available) and its component parts.
- (o) All instrumentation at the reservoir.
- (p) The extent of opening of valves, gates and penstocks, and related information.

SCHEDULE 3

Regulation 5(2)

INFORMATION AND FORM OF RECORD TO BE MAINTAINED UNDER SECTION 37(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

RECORD OF MATTERS IN RESPECT OF A CONTROLLED RESERVOIR UNDER SECTION 37(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015 (“the Act”)

If any of the information is not relevant in relation to the reservoir, “Not Relevant” should be inserted beside the relevant section.

Any information to be provided may be supplemented with relevant drawings

Name and location of reservoir	
Name and address of reservoir manager(s)	

Details of directions under section 37(3) of the Act

Details of any directions by the supervising engineer, inspecting engineer or construction engineer under section 37(3) of the Act as to the manner in which the information is to be recorded and the intervals at which the record is to be updated.

Date	Details of Direction	Name of engineer

WATER LEVELS AND DEPTH OF WATER

A record of water levels and depth of water including the flow of water over the waste weir or overflow should be maintained by recording appropriate entries in the form below

Date	Water level in the reservoir measured relative to the top water level (in metres) (record positive if above top water level and negative if below top water level)	Name of person responsible for entry
Date	Depth of water flowing over waste weir or overflow (in metres)	Name of person responsible for entry

Method of recording water levels		

Datum to which levels are referred e.g. ordnance datum or the level of the overflow sill:

LEAKAGES, SETTLEMENTS OF WALLS OR OTHER WORKS AND REPAIRS

A record of leakages, settlements of walls or other works, and repairs should be maintained by recording entries in the form below

Position and extent of any leakage from the reservoir or settlement of walls or other works, giving date of discovery	Description of action taken consequent on discovery of leakage or settlement (including details of any notifications to the supervising engineer)	Name of person responsible for entry	Date action taken

Details of repairs undertaken on reservoir	Name of person who carried out the works	Date repairs carried out

RESERVOIR ENGINEERS COMMISSIONED BY THE RESERVOIR MANAGER**Supervising engineer**

Name:		
Address:		
E-mail address:		
Telephone number (within normal working hours)		
Telephone number (outside normal working hours)		
Period of commission	Date period began	
	Date period ends (or ended)	

Inspecting engineer

Name:		
Address:		
E-mail address:		
Reason for commission (to inspect the reservoir or to supervise the taking of a safety measure or a pre-commencement safety recommendation)		
Period of commission	Date period began	
	Date period ends (or ended)	

Construction engineer

Name:		
Address:		
E-mail address:		
Contact telephone number:		
Reason for commission (tick as appropriate)	Construction of a controlled reservoir (other than restoration to use)	
	Restoration to use of a controlled reservoir	
	Abandonment of a controlled reservoir	
	Discontinuance of a controlled reservoir	
	Other alteration of a controlled reservoir	
Period of commission	Date commenced	
	Date ends (or ended)	

RESERVOIR ACCESS

Description of access giving any restrictions on load, width or height of vehicles using access and details of the construction of the access route:

CERTIFIED LEVEL UP TO WHICH THE RESERVOIR MAY STORE WATER, ITS SURFACE WATER AREA, CAPACITY AND FETCH

Level up to which water may be stored exclusive of flood storage:

Capacity (in m ³)	At the top water level:	
	Between lowest natural level of any part of the surrounding land and the top water level:	
	Between the lowest natural level of any part of the surrounding land and level, as last specified in a certificate given under the Act, exclusive of any provision for flood storage:	

Surface water area (in m ² or km ²)	At the top water level:	
	At level up to which water may be stored, exclusive of flood storage, as it was last specified in a certificate given under the Act:	

Fetch (in metres):	
Fetch direction:	

STRUCTURAL CHARACTER OF DAM, RESERVOIR WALL OR EMBANKMENT

Type (tick as appropriate)	Date of construction
Earth: (specify sealing membrane or core)	
Rockfill: (specify sealing membrane or core)	
Gravity:	
Buttress:	
Other (specify as appropriate)	

DETAILS OF DRAW-OFF WORKS, BOTTOM OUTLETS, ETC

	Details	Maximum rate of discharge (in m ³ /s)
Draw-off works		
Bottom outlets		
Any other means of lowering the level of the water		

PHYSICAL CHARACTERISTICS OF DIRECT AND INDIRECT CATCHMENT AREAS, ETC

Direct catchment area (m ² or km ²):	
Indirect catchment area (m ² or km ²):	

Method of bringing water into the reservoir from the indirect catchment area, with details of any control (including location) or pumps provided and the maximum inflow capacity:

Physical characteristics of direct and indirect catchment areas which affect the rate of storage of water:

STANDARD AVERAGE ANNUAL RAINFALL ON DIRECT AND INDIRECT CATCHMENT AREAS

Details of standard average annual rainfall on the direct and indirect catchment areas of the reservoir according to the meteorological office records:

SPILLWAY WORKS: TYPE, LOCATION AND LEVEL AND THE SAFETY PROVISIONS MADE IN CONNECTION WITH THEIR OPERATION

Type and location (if independent of main dam structure):

	Crest level	Length	Other particulars
Fixed crest weirs			
Syphons (state if air regulated saddle siphons)			
Other gates or valves			
Movable crest gate			
Tunnels or other features affecting discharge capacity			
Emergency spillway			

Movable gates or valves

Methods of operation (tick as appropriate)	Manual	
	Automatic	
	Float control	
Sequence of operation:		
Source of power:		
Standby arrangement:		

RELEVANT WORK NOTIFIED TO THE DEPARTMENT UNDER SECTION 43 OF THE ACT

Category of relevant work notified to the Department (tick as appropriate)	Construction of a reservoir (other than restoration to use)	
	Restoration to use of a reservoir	
	Abandonment of a reservoir	
	Discontinuance of a reservoir	
	Other alteration of a reservoir	
Details of work:		
Date of notice to the Department:		

MEASURES TAKEN IN THE INTERESTS OF SAFETY OR WHICH MIGHT AFFECT SAFETY

Details of measures directed in a safety report	Dates(s) when measure taken

Details of measures (not for the maintenance) specified in an inspection report which the reservoir manager is directed (under section 35(4)(e)) to ensure are taken under supervision, and the period of time specified within which the measure is to be taken.	Date(s) when measure taken

Details of measures (for the maintenance of the reservoir) specified in an inspection report which the reservoir manager is directed (under section 35(4)(f)) to ensure are monitored by the supervising engineer.	Date(s) when measure taken

Details of any recommendation (relating to the maintenance of the reservoir) which are included pursuant to section 35(4)(b)	Date(s) when recommendation taken

DIRECTIONS BY A SUPERVISING ENGINEER

Details of any direction given under section 26(4) of the Act by the supervising engineer and date of visual inspection completed and observations made			
Date	Details of direction	Date of visual inspection	Observations made

UNUSUAL EVENTS WHICH COULD AFFECT THE SAFETY OF THE RESERVOIR

A record of unusual events, such as seismic activity, that have a bearing on the safety of the reservoir should be maintained by recording entries in the form below

Details of any unusual events which have occurred at or near the reservoir	Date(s) of occurrence of any such events

COMMISSION OF REFEREES UNDER THE ACT

Name of Referee	Date of commission

DRAWING REGISTER

A register of drawings of the reservoir (where available) and its component parts should be maintained by recording appropriate entries in the form below.

Drawing number	Drawing title	Revision number	Approval date

INSTRUMENTATION AT THE RESERVOIR

A record of the type, location, age and condition of instruments installed at the reservoir should be maintained by recording appropriate entries in the form below.

The location of instruments with their reference numbers should be shown on the relevant drawings of the reservoir.

Site reference number instrument	Type and serial number of instrument and key details	Location at the reservoir	Date of installation	Conditions and assessment date

EXTENT OF OPENING OF VALVES, GATES AND PENSTOCKS

A record of the extent that valves, gates and penstocks are open should be maintained by recording appropriate entries in the form below.

Date	Type and location of equipment (gate, valve and penstock)	Extent of opening	Name, signature and position of engineer or person responsible for the entry
Method of recording extent of opening for each type of equipment:			

Procedures used for opening each type of equipment and for reading the extent of opening:

SCHEDULE 4**Regulation 6**

INFORMATION ABOUT REPAIRS TO LOW CONSEQUENCE RESERVOIRS TO BE INCLUDED IN RECORD OF RELEVANT DOCUMENTS UNDER SECTION 58(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

INFORMATION ABOUT REPAIRS TO LOW CONSEQUENCE RESERVOIRS TO BE INCLUDED IN RECORD OF RELEVANT DOCUMENTS UNDER SECTION 58(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015		
Reservoir registration number (as specified in the controlled reservoir register)		
Name and location of reservoir (including grid references, if possible)		
Name and address of reservoir manager(s)		
Details of repairs to reservoir	Name of person, position, and signature of person or engineer who carried out the works or repair	Date repairs carried out

SCHEDULE 5

Regulation 13(a)

FORM AND CONTENT OF NOTICE UNDER SECTION 7(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015 – NOMINATION OF RESERVOIR MANAGER

NOTICE OF NOMINATION OF RESERVOIR MANAGER UNDER SECTION 7(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) and telephone number of the nominating manager.	
Name and address (including postcode) and telephone number of the nominee.	
Date on which nomination takes effect.	
The requirements which the nominee will fulfil and the rights to be exercised under the Reservoirs Act (NI) 2015 are as follows:-	
Signature of nominating manager.	
Date	
I hereby accept all of the responsibilities specified in this nomination.	
Signature of nominee.	
Date	

This notice must, not later than 28 days after the date the notice is signed by the nominee, be given by the nominating reservoir manager to the Department and all other managers of the reservoir and any supervising engineer, inspecting engineer, other qualified engineer, or construction engineer, commissioned in relation to the reservoir.

SCHEDULE 6

Regulation 13(b)

FORM AND CONTENT OF NOTICE UNDER 15(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015 – CEASING TO BE A RESERVOIR MANAGER

NOTICE OF CEASING TO BE A RESERVOIR MANAGER UNDER SECTION 15(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of the person ceasing to be the reservoir manager.	
Date when cessation of being the reservoir manager takes effect.	
Name and address (including postcode) of the person who has (or will) become the reservoir manager.	
Signature of the person ceasing to be the reservoir manager	
Date	

SCHEDULE 7

Regulation 13(c)

FORM AND CONTENT OF NOTICE UNDER 15(2) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015– BECOMING A RESERVOIR MANAGER

NOTICE OF BECOMING A RESERVOIR MANAGER UNDER SECTION 15(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) and telephone number of the person who has (or will) become the reservoir manager.	
Date when becoming the reservoir manager takes effect.	
Name and address (including postcode) of the person ceasing to be the reservoir manager.	
Signature of person who has (or will) become the reservoir manager.	
Date	

SCHEDULE 8

Regulation 13(d)

FORM AND CONTENT OF NOTICE OF COMMISSION OF SUPERVISING
ENGINEER UNDER SECTION 25(4) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF SUPERVISING ENGINEER UNDER SECTION 25(4) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of the reservoir manager.	
Name of the supervising engineer/Business address (including postcode)/E-mail address/ Telephone number(s)	
Date of commission.	
Signature of reservoir manager	
Date	

SCHEDULE 9

Regulation 13(e)

FORM AND CONTENT OF NOTICE OF COMMISSION OF INSPECTING ENGINEER
UNDER SECTION 34(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF INSPECTING ENGINEER UNDER SECTION 34(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of reservoir manager.	
Name/Business Address (including postcode)/ E-mail address/Telephone number(s) of the inspecting engineer commissioned.	
Date of commission.	
Engineer commissioned to *inspect reservoir/*supervise measures in the interest of safety (*delete as appropriate)	
Signature of reservoir manager	
Date	

SCHEDULE 10

Regulation 13(f)

FORM AND CONTENT OF NOTICE OF PROPOSED RELEVANT WORKS AS
REQUIRED BY SECTION 43(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015.

NOTICE OF PROPOSED RELEVANT WORKS UNDER SECTION 43(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
* Location of the proposed works to construct a controlled reservoir.	
*Name of the controlled reservoir which is to be altered.	
Type of works to be undertaken at a controlled reservoir:	<p>* Construction (including restoration to use)</p> <p>*Alteration (not amounting to discontinuation or abandonment)</p> <p>*Abandonment (structure is to be made incapable of filling with water above the natural level of any part of the surrounding land)</p> <p>*Discontinuance (structure is to be made incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land)</p>
Date when the proposed works will commence.	
Date (or approximate date) when the proposed work will be completed.	
Signature of reservoir manager	
Date	

*Delete as appropriate

SCHEDULE 11

Regulation 13(g)

FORM AND CONTENT OF NOTICE OF COMMISSION OF CONSTRUCTION
ENGINEER UNDER SECTION 43(2) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF CONSTRUCTION ENGINEER UNDER SECTION 43(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name/Business Address (including postcode)/ E-mail address/Telephone number(s) of the construction engineer commissioned.	
Date of commission.	
Construction engineer commissioned to supervise the *construction/*alteration/*abandonment/*discontinuance of a controlled reservoir. *Delete as appropriate	
Signature of reservoir manager	
Date	

SCHEDULE 12

Regulation 13(h)

FORM AND CONTENT OF REVOCATION OF A COMMISSION OF A RESERVOIR
ENGINEER UNDER SECTION 117(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE UNDER SECTION 117(1) OF THE ACT AS REGARDS REVOCATION OF A RESERVOIR ENGINEER	
Name and Location of Reservoir	
Reservoir Manager Name	
Name of reservoir engineer whose commission has been revoked	
Role in which Engineer commissioned i.e. Inspecting Engineer, Supervising Engineer, Construction Engineer	
Date revocation took/takes effect	
Signature of Reservoir Manager	
Date	

SCHEDULE 13

Regulation 14(1)

FORM AND CONTENT OF NOTICE GIVEN BY A SUPERVISING ENGINEER
UNDER SECTION 26(2)(a) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE GIVEN BY A SUPERVISING ENGINEER UNDER SECTION 26(2)(a) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
The matters that might affect the safety of the reservoir are as follows:	(insert matters)
Signature of supervising engineer	
Date	

SCHEDULE 14

Regulation 14(2)

FORM AND CONTENT OF NOTICE GIVEN BY A SUPERVISING ENGINEER
UNDER SECTION 26(2)(g) or 26(2)(h) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE GIVEN BY A SUPERVISING ENGINEER UNDER SECTION 26(2)(g) or 26(2)(h) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
Which section(s) failed to comply with:- i.e. (g) (i), (ii), (iii) or (h)	Details of failure to comply
(insert section)	(insert details)
Signature of supervising engineer	
Date	

SCHEDULE 15

Regulation 15

FORM OF ANNUAL STATEMENT BY SUPERVISING ENGINEER UNDER SECTION 26(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

ANNUAL STATEMENT BY SUPERVISING ENGINEER UNDER SECTION 26(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Reservoir name.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise the above named controlled reservoir, state in relation to the reservoir that during the period beginning with [insert period start date] and ending with [insert period end date]-</p> <p>(1) In relation to the matters referred to in section 26(2) (a) to (h) and (j) and (k) of the Reservoirs Act (NI) 2015:-</p>	
Matters	Date and reason for any notice issued/Is the reservoir manager's compliance satisfactory/unsatisfactory/General Observations/or N/A
(a) I gave notice to the reservoir manager of anything that may affect the safety of the reservoir.	
(b) I monitored the reservoir manager's compliance with directions or recommendations in the latest inspection report as to measures to be taken in the interests of safety for its maintenance.	
(c) I monitored or watched any matter specified to be monitored or watched in the latest inspection report (see 'note' below).	
(d) I monitored any matter specified to be monitored in a safety report.	
(e) I monitored the reservoir manager's compliance with any preliminary or final certificate.	
(f) I monitored any matter in the final certificate until the next inspection of the reservoir.	
(g) I gave notice to the reservoir manager and Department of any failure to comply with: <ul style="list-style-type: none"> • any directions in the latest inspection report as to measures in the interests for safety which are measures for the maintenance of the reservoir; and/or • a safety report; and/or • a preliminary certificate. 	
(h) I gave notice to the reservoir manager and the Department of any failure to comply with a final certificate.	

(i) I monitored the reservoir manager's compliance with the requirement of section 37 – recording of water levels etc. and record keeping.	
(j) I undertook site visits to the reservoir on (enter dates).	
2. The reservoir manager [insert name of reservoir manager] took the following measures in the interests of reservoir safety or otherwise to maintain the reservoir:- [insert measures or 'None' if applicable]	
3. I gave the reservoir manager a written recommendation in accordance with section 26(3) to have the reservoir inspected and specified that the inspection should take place by [insert date or N/A if not applicable]. This was copied to the Department on [enter date].	
4. I gave the reservoir manager a written direction in accordance with section 26(4)(a) to carry out a visual inspection of the reservoir for the purpose of identifying anything which may affect the safety of the reservoir on [insert date of direction or N/A if not applicable]. This was copied to the Department on [enter date].	
5. A written record of the visual inspection is maintained *Yes/No. [*delete as appropriate or N/A if not applicable].	
6. Notice of anything identified that may affect the safety of the reservoir was provided to me on *[enter date]. *N/A if not applicable [*delete as appropriate]	
Signature	
Date	

Note: The 'latest inspection report' includes a pre-commencement inspection report under section 33 of the Act.

SCHEDULE 16

Regulation 16

FORM OF INSPECTION REPORT BY AN INSPECTING ENGINEER UNDER
SECTION 35 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

INSPECTION REPORT BY AN INSPECTING ENGINEER UNDER SECTION 35 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
Name of the inspecting engineer.	
Date(s) of the inspection.	
Inspection report details	
<p>1. I consider that the following measures should be taken in the interests of the safety of the reservoir including measure(s) for the maintenance of the reservoir. I direct the reservoir manager to ensure that the measures are taken in accordance with 5 and 6 below as appropriate: (Insert 'None' if appropriate)</p> <p>2. I consider:</p> <p>(a) That the following matter(s) are relevant to the maintenance of the reservoir: (Insert 'None' if there are no such matters)</p> <p>(b) I make the following recommendation as regards the matter(s) relevant to the maintenance of the reservoir: (Insert 'None' if there are no recommendation as regards the matter).</p> <p>3. The following measure(s) in the interests of the safety of the reservoir were also specified in the previous inspection report: (Insert 'None' if appropriate).</p> <p>4. The following measure(s) in the interests of the safety of the reservoir, which were specified in the previous inspection report, have not been taken and I consider it/they should no longer be taken because of the reason(s) specified below in relation to each measure: (Insert 'None' if appropriate).</p> <p>5. I direct that the reservoir manger takes the following safety measure(s) under the supervision of an inspecting engineer and within the period of time stated: (Insert 'None' if appropriate).</p> <p>6. I direct the reservoir manager to ensure that the following safety measure(s) in relation to maintenance is/are monitored by a supervising engineer: (Insert 'None' if appropriate).</p> <p>7. I recommend that the following matter(s) should be monitored by a supervising engineer until the next inspection of the reservoir: (Insert 'None' if appropriate).</p> <p>8. I recommend the next inspection of the reservoir should take place not later than (*Insert date).</p> <p>9. I consider that the supervising engineer should visit the reservoir more frequently than is required of the supervising engineer by virtue of regulations made under section 27(1) of the Reservoirs Act (NI) 2015: Insert at what intervals, when, or in what circumstances, any additional visit(s) should take place. (Insert 'N/A' if more frequent visits are not required).</p>	
Signature	
Date	

*It should be noted that controlled reservoirs that are given a Medium Consequence designation are not subject to the 10 year inspection cycle. Rather, reservoirs given a Medium Consequence designation are required to be inspected within one year of the initial designation being given and thereafter as recommended by the supervising engineer or at any time recommended by an inspecting engineer in an inspection report.

SCHEDULE 17

Regulation 17

FORM OF SAFETY REPORT BY CONSTRUCTION ENGINEER UNDER SECTION 44
OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

SAFETY REPORT BY CONSTRUCTION ENGINEER UNDER SECTION 44 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
Name of construction engineer.	
Date(s) of safety inspection.	
<p>I consider that the following measures are necessary in the interests of the safety of the controlled reservoir (see note below):</p> <p>I direct the reservoir manager to ensure that the measures specified in this report are taken under my supervision and within the period of time that I have specified.</p> <p>I consider that the following matters should be monitored by the supervising engineer until I issue a final certificate in respect of the relevant works: (delete if there are no such matters)</p>	
Signature	
Date	

Note

Where the safety report relates to a controlled reservoir which is being:

1. Constructed, restored to use, or is subject to alteration for the purpose of increasing or decreasing capacity (but not abandonment or discontinuance), the measures must include in particular any measures the construction engineer considers should be taken before the reservoir may safely be used for the collection and storage of water;

2. Discontinued, the measures must include in particular any measures the construction engineer considers are necessary to secure that the resulting structure:

- (a) is incapable of holding 10,000 cubic metres of water above the natural level of the surrounding land; and
- (b) may safely be used for the collection and storage of water above the natural level of any part of the surrounding land.

3. Abandoned, the measures must include in particular any measures the construction engineer considers are necessary to secure that the reservoir is incapable of filling with water above the natural level of any part of the surrounding land.

SCHEDULE 18

Regulation 18(a)

FORM OF INTERIM INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION
36(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF INTERIM INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned by the *reservoir manager/Department [*delete as appropriate] as the engineer to supervise the taking of measures specified in an inspection report dated [insert date of inspection report] in relation to the above named controlled reservoir:	
I am satisfied that the following measure(s) directed in the inspection report has/have been taken: [Insert measure(s) directed in the report which has or have been taken and the date on which it was/they were taken.]	
I am satisfied that the following measure(s) directed in the inspection report have yet to be taken: [insert measure(s) directed in the report which has or have yet to be taken].	
Signature	
Date	

SCHEDULE 19

Regulation 18(b)

FORM OF INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(5) OF
THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
I [insert name of engineer] being a member of the [insert name of panel to which engineer is appointed] , commissioned by the *reservoir manager/Department [delete as appropriate] as the engineer to supervise the taking of measures specified in an inspection report dated [insert date of inspection report] in relation to the above named controlled reservoir, am satisfied that all the measure(s) directed in the inspection report has/have been taken.	
The measure(s) were completed on (insert date of completion) .	
Signature	
Date	

SCHEDULE 20

Regulation 19(a)

FORM OF SAFETY MEASURE CERTIFICATE UNDER SECTION 46 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF SAFETY MEASURE CERTIFICATE UNDER SECTION 46 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of the [insert name of panel to which engineer is appointed], commissioned as the construction engineer to supervise the taking of measures specified in a safety report dated [insert date of safety report] in relation to the above named controlled reservoir, am satisfied that the following measure(s) directed in the safety report has/have been taken:</p> <p>[Insert measure(s) directed in the report which has or have been taken].</p> <p>The measure(s) was/were completed on (insert date(s) of completion).</p> <p>The following measure(s) directed in the safety report have yet to be taken:</p> <p>[insert measure(s) directed in the report which has or have yet to be taken or None if no further measures to be taken]</p> <p>I consider that the following measure(s) specified in the safety report need no longer be taken: [insert measure(s) that no longer need to be taken or N/A if not applicable].</p>	
Signature	
Date	

SCHEDULE 21

Regulation 19(b)

FORM OF PRELIMINARY CERTIFICATE UNDER SECTION 47 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

PRELIMINARY CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 47 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise the relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)]</p> <p>[abandonment]</p> <p>[discontinuance] (delete as appropriate) of the above named controlled reservoir</p> <p>am satisfied that the</p> <p>[reservoir may be safely filled (wholly or partially) with water].</p> <p>or</p> <p>[level of water in the reservoir should be reduced]. (delete as appropriate)</p> <p>The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”).</p> <p>I require you as the reservoir manager to ensure that the level of water in the reservoir does not exceed the specified level.</p> <p>[The following requirements are imposed as to the manner in which the level of water in the reservoir may be increased or decreased;</p> <p>[insert requirements that the engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased]. (delete if no requirements imposed)</p> <p>This certificate:</p> <p>(a) Replaces any previous preliminary certificate applicable to the reservoir in respect of these relevant works; and</p> <p>(b) Ceases to have effect on the issue of the final certificate applicable to the reservoir in respect of these works.</p>	
Signature	
Date	

SCHEDULE 22

Regulation 19(c)

FORM OF CONSTRUCTION CERTIFICATE UNDER SECTION 48 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

CONSTRUCTION CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 48 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)]</p> <p>[abandonment]</p> <p>[Discontinuance] (delete as appropriate)</p> <p>of the above named controlled reservoir [for which a preliminary certificate was given on [insert date of certificate] (delete if no preliminary certificate given), being satisfied that the relevant works have been completed to a satisfactory standard, certify that the relevant works have been executed satisfactorily in accordance with the detailed drawings and descriptions included in the annex to this certificate. (see note below).</p>	
Signature	
Draft	

Note

In accordance with section 48(3)(a) of the Reservoirs Act (Northern Ireland) 2015, the annex must contain detailed drawings and descriptions giving full information about the relevant works, including the dimensions, water levels and details of the geological strata or deposits encountered in bore holes, trial holes or excavations made in connection with the works.

SCHEDULE 23

Regulation 19(d)

FORM OF FINAL CERTIFICATE UNDER 49(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015 FOR THE PURPOSES OF CONSTRUCTION OR
ALTERATION OF A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)] (delete as appropriate)</p> <p>of the above named controlled reservoir [for which a preliminary certificate was given on [insert date of certificate]] (delete if no preliminary certificate given),</p> <p>consider that the reservoir is sound and satisfactory and may safely be used for the collection and storage of water.</p> <p>[I recommend that an early inspection of this reservoir should take place before [insert date by which the inspection should take place].](delete if an early inspection is not appropriate) (see note below)</p> <p>[I consider that the following matters should be monitored, until the first or next inspection of this reservoir under section 32 of the Reservoirs Act (Northern Ireland) 2015 is undertaken, by the supervising engineer commissioned in relation to the reservoir under section 25 of that Act:- [insert matters which the construction engineer considers should be monitored].] (delete if no matters are considered appropriate).</p> <p>The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”). The reservoir manager must ensure that the level of water in the reservoir does not exceed the specified level.</p> <p>[The following requirements are imposed as to the manner in which the level of the water in the reservoir may be increased or decreased:</p> <p>[insert requirements that the construction engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased].] (delete if no such requirements)</p>	
Signature	
Date	

NOTE

In accordance with section 32 the reservoir manager must secure that a high or medium consequence reservoir which has been subject to relevant works is inspected before the end of the period of 2 years beginning with the date of the final certificate for the relevant works.

SCHEDULE 24

Regulation 19(e)

FORM OF FINAL CERTIFICATE UNDER SECTION 49(3) OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015 FOR THE PURPOSES OF DISCONTINUANCE
OF A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed] , commissioned to supervise relevant works for the purpose of the discontinuance of the above named controlled reservoir, am satisfied: <ul style="list-style-type: none">(i) that the discontinuance has been safely completed;(ii) that the resulting structure or area is incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land; and(iii) that the resulting structure or area is sound and satisfactory and may safely be used for the collection and storage of water.	
The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”). The reservoir manager must ensure that the level of water in the reservoir does not exceed the specified level.	
[The following requirements are imposed as to the manner in which the level of the water in the reservoir may be increased or decreased: [insert requirements that the engineer considers appropriate as to the manner in which the level of the water in the reservoir may be increased or decreased]. (delete if there are no such requirements).]	
Signature	
Date	

SCHEDULE 25

Regulation 19(f)

FORM OF FINAL CERTIFICATE UNDER SECTION 49(5) OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015 FOR THE PURPOSES OF ABANDONMENT OF
A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed] , commissioned to supervise relevant works for the purpose of the abandonment of the above named controlled reservoir am satisfied that the: (i) abandonment has been safely completed; and (ii) the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land.	
Signature	
Date	

SCHEDULE 26

Regulation 20(a)

FORM OF REFERRAL CERTIFICATE UNDER SECTION 64 OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015

REFERRAL CERTIFICATE BY REFEREE UNDER SECTION 64 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I (insert name of referee) being a member of (insert name of the panel of engineers) having been commissioned by [insert name of reservoir manager or Institution of Civil Engineers] (delete as appropriate) to investigate the referred matters (below) regarding a [direction] [recommendation] (delete as appropriate) contained in a [safety report] [inspection report] (delete as appropriate) dated (insert date of report) given by (insert name of engineer who signed the report):</p> <p>As the referee on these matters I have decided [not] to modify the report. (delete as appropriate)</p> <p>[Accordingly, I revise [the report dated (insert date of report)] [and] [the certificate dated (insert date of certificate)] which was given with reference to the report,] in the following manner:-] (delete as appropriate if referee decides not to modify the report or insert modifications as appropriate if referee decides to modify the report)] (delete if not applicable)</p> <p>[A copy of the modified [report] [certificate] (delete as appropriate) is attached.](delete if not applicable)</p>	
Signature	
Date	

SCHEDULE 27

Regulation 20(b)

FORM OF REFERRAL CERTIFICATE UNDER SECTION 65 OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015

REFERRAL CERTIFICATE BY REFEREE UNDER SECTION 65 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I (insert name of referee) being a member of (insert name of panel of engineers) having been commissioned by [insert name of reservoir manager] [Institute of Civil Engineers] (delete as appropriate) to investigate the referred matters (below) regarding a matter contained in the [preliminary certificate] [final certificate] (delete as appropriate) dated (insert date of certificate) given by (insert name of engineer who signed the certificate).</p> <p>As the referee on these matters I have decided [not] to modify the certificate. (delete as appropriate)</p> <p>[Accordingly, I revise the certificate dated (insert date of certificate) in the following manner:- (delete if referee decides not to modify the certificate or insert modifications as appropriate if referee decides to modify the certificate)](delete if not applicable)</p> <p>[A copy of the modified certificate is attached.](delete if not applicable)</p>	
Signature	
Date	

SCHEDULE 28

Regulation 21

NOTICE REGARDING THE RESIGNATION OF A RESERVOIR ENGINEER
COMMISSIONED IN RELATION TO A RESERVOIR UNDER SECTION 117(2) OF
THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

NOTICE UNDER SECTION 117(2) OF THE ACT AS REGARDS RESIGNATION OF A RESERVOIR ENGINEER	
Name and Location of Reservoir	
Reservoir Manager Name	
Name of Reservoir Engineer resigning	
Role in which Engineer commissioned i.e Inspecting Engineer, Supervising Engineer, Construction Engineer	
Date resignation took/takes effect	
Signature of Reservoir Engineer	
Date	

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Reservoirs Act (Northern Ireland) 2015 makes provision for regulations to be made to provide information and procedures to facilitate reservoir managers of controlled reservoirs to implement the requirements of various sections of the Act. These Regulations make provision for:

- (a) How the volume of water capable of being held in a controlled reservoir above the natural level of the surrounding land is to be calculated and provides the definition of various parts of a reservoir (regulation 2);
- (b) The information to be held on the controlled reservoirs register (regulation 3);
- (c) The information that a reservoir manager must provide to the Department to register a controlled reservoir (regulation 4 and Schedule 1);
- (d) The matters to be recorded and the information and form of record that must be maintained in respect of “the recorded matters”.(regulation 5 and 6 and Schedules 2, 3 and 4)
- (e) The emergency response information that must be displayed at a controlled reservoir (regulation 7);
- (f) The detail in relation to the dispute referral process, including the time within which a reservoir manager may commission a referee or request the Institution of Civil Engineers to commission a referee, the procedure and manner of the request, the procedure to be followed by the referee in any investigation and the expenses to be paid by the reservoir manager who made the referral to a referee (regulation 8 to 12);

- (g) The form and content of notices to be given by reservoir managers and the form of notices, statement, reports and certificates to be given by reservoir engineers engaged in work in connection with a controlled reservoir (regulation 13 to 21 and Schedules 5 to 28).

These Regulations do not introduce any new policy and as no significant impact on business, charities or voluntary bodies in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Act is foreseen, no regulatory impact assessment has been prepared for these

Regulations.

ANNEX D

Draft Regulations laid before the Assembly under 27(1), 77(1) and 114 of the Reservoirs Act (Northern Ireland) 2015, and subject to affirmative resolution of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

20 No.******FLOOD RISK MANAGEMENT****The Reservoirs (Visits by Supervising Engineers, Stop Notices and Grants) Regulations (Northern Ireland) 20****

Made - - - -

Coming into operation -

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 27(1), 77(1), 114 and 127(4) of the Reservoirs Act (Northern Ireland) 2015(a).

The Department has consulted, as required by Section 77(2) and in accordance with Section 90 of the Act, in relation to the serving of a Stop Notice.

Citation, commencement and interpretation

1. — (1) These Regulations may be cited as the Reservoirs (Visits by Supervising Engineers, Stop Notices and Grants) Regulations (Northern Ireland) 20** and shall come into operation on????.

(2) In these Regulations—

- (a) “annual written statement” is a statement prepared by a supervising engineer under section 26(5); and
- (b) a reference to a section is a reference to a section of the Reservoirs Act (Northern Ireland) 2015^(a).

Visits by a supervising engineer

2. — (1) Subject to paragraph (3) a supervising engineer must visit a high-consequence or medium-consequence reservoir in accordance with the standard frequency of visits as specified in paragraph (2).

(2) The standard frequency of visits which will apply to a high or medium consequence controlled reservoir is:—

- (a) High Consequence: a supervising engineer must visit the reservoir at least once in every 12 month period;
- (b) Medium Consequence: a supervising engineer must visit the reservoir at least once in every 36 month period.

^(a) 2015 c.8 (N.I.)

(3) If the Department considers that a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained a supervising engineer must visit the reservoir in accordance with the different standard frequency of visits as specified in paragraph (4).

(4) The different standard frequency of visits by a supervising engineer that will apply to a high-consequence or medium-consequence controlled reservoir is:—

(a) High Consequence: a supervising engineer must visit the reservoir at least once in every 24 month period;

(b) Medium Consequence: a supervising engineer must visit the reservoir at least once in every 60 month period.

(5) The Department will notify a reservoir manager of the standard frequency of visits or the different standard frequency of visits which applies to their controlled reservoir and accordingly the visits that must be made to it by the supervising engineer.

(6) Nothing in this regulation shall affect the power of an inspecting engineer under section 35(4)(i) to require a supervising engineer to visit a reservoir more frequently and to specify in the inspection report what intervals, when, and in what circumstances, any additional visit should take place.

Acceptable standard as regards how a controlled reservoir is being maintained

3. — (1) The Department will decide whether a controlled reservoir is of an acceptable standard as regards how it is being maintained, and therefore for a reservoir to be of a different standard frequency of visits, taking account of, as appropriate, the following in relation to a reservoir—

(a) a pre-commencement inspection report which does not contain any measures that should be taken in the interests of safety; or

(b) a pre-commencement inspection report certificate(s) which specifies that each or all of the measures that should be taken in the interests of safety contained in a pre-commencement inspection report have been taken; or

(c) an inspection report which does not contain any directions for measures in the interests of safety or does not include any matters that the inspecting engineer recommends should be monitored by a supervising engineer until the next inspection of the reservoir; or

(d) an inspection compliance certificate which specifies that all of the measures directed in an inspection report, or the pre-commencement inspection report, have been taken; and

(e) an annual written statement which:—

(i) does not contain anything that the supervising engineer considers might affect the safety of the reservoir;

(ii) specifies that anything that the supervising engineer considers might affect the safety of the reservoir, previously notified to the reservoir manager under section 26(2)(a), has been resolved;

(iii) specifies that the reservoir manager has complied with any direction in the latest inspection report as regards any measure that should be taken in the interests of safety which is a measure for its maintenance;

(iv) specifies that the reservoir manager has complied with any recommendation in a pre-commencement inspection report as to a measure that should be taken for its maintenance;

(v) specifies that the supervising engineer has monitored any matters that the inspecting engineer recommends should be monitored in the latest inspection report;

- (vi) specifies any notice given to the reservoir manager as to failure to comply with—
 - (aa) any direction or recommendation in the latest inspection report as to measures in the interests of safety as regards the maintenance of a reservoir;
 - (bb) a safety report;
 - (cc) a preliminary or final certificate;
- (vii) specifies that the reservoir manager has complied with a recommendation as to the next inspection of a reservoir;
- (viii) specifies that the reservoir manager has complied with a direction to undertake a visual inspection.

(2) The Department must review the standard frequency of visits by a supervising engineer to a controlled reservoir every time that it receives one of the documents mentioned in paragraph (1) in relation to a reservoir and decide whether or not it considers that the reservoir is of an acceptable standard as to how it is being maintained.

(3) The Department must notify a reservoir manager within 14 days of making its decision, as to—

- (a) whether or not it considers that the reservoir is of an acceptable standard as regards how it is being maintained and accordingly the standard frequency of visits that must be made to it by a supervising engineer;
- (b) the reasons why it is considered, or is not considered, to be of an acceptable standard as to how it is maintained; and
- (c) that the reservoir manager has a right of appeal against the decision of the Department.

Right of appeal against the decision of the Department

4.—(1) A reservoir manager may appeal to the Water Appeals Commission against the decision of the Department. Any appeal must be made in writing within 14 days from the date of the notice which contains the decision.

(2) The decision in respect of which an appeal is made continues to have effect pending a decision by the Water Appeals Commission.

(3) The Water Appeals Commission has the power to confirm or quash the decision of the Department and it must notify the reservoir manager and the Department of its determination.

(4) Where the Water Appeals Commission determines to quash the decision of the Department the Department must issue a notice, within 14 days from the date on which it receives the determination of Water Appeals Commission, to the reservoir manager specifying the frequency of visits that is to be made by a supervising engineer to the reservoir.

Stop Notices

5.—(1) The Department may, by notice (a stop notice) served on a reservoir manager, prohibit a reservoir manager of a controlled reservoir from doing any of the following until the manager has taken the steps specified in the notice—

- (a) carrying on an activity specified in the notice, or
- (b) permitting the carrying on by another of an activity so specified.

(2) A stop notice may only be served in relation to a case where either—

- (a) a reservoir manager is carrying on the activity, or the activity is being carried on by another with the permission of the manager, and the Department reasonably considers that the activity as so carried on either—
 - (i) presents a risk to the safety of the reservoir that may result in an uncontrolled release of water from it, or
 - (ii) involves or is likely to involve the commission of an offence under the Act as specified under paragraph (4), or
- (b) The Department considers that a reservoir manager is likely to carry on, or permit the carrying on of, the activity and that the activity as likely to be carried on either—
 - (i) will present a risk to the safety of the reservoir that may result in an uncontrolled release of water from it, or
 - (ii) will involve, or is likely to involve, the commission of an offence under the Act as specified under paragraph (4).

(3) Where the Department proposes to exercise its power to serve a stop notice in a case mentioned in paragraph (2)(a)(i) or (2)(b)(i) (risk to the safety of the reservoir)—

- (a) the Department must, before it exercises its power—
 - (i) at its own expense commission an engineer who is a member of a panel of reservoir engineers established under section 102 who may (by virtue of an Order under that section) be commissioned in respect of section 77 in relation to the reservoir; and
 - (ii) take into account any recommendation made by the engineer about the steps to be taken by the reservoir manager to remove or reduce the risk to the safety of the reservoir;
- (b) the steps specified in any such stop notice must be steps which will remove or reduce the risk to the safety of the reservoir referred to in paragraphs (2)(a)(i) or (2)(b)(i).

(4) The Department may only issue a stop notice to a reservoir manager in the case of paragraphs (2)(a)(ii) or (2)(b)(ii) where it reasonably considers that the activity as carried on, or as likely to be carried on, involves, will involve or is likely to involve the commission of an offence under one or more of the following provisions—

- (a) section 38(1)(e) in relation to 34(1)(b) (failure to commission an inspecting engineer to supervise any measure in the interests of safety);
- (b) section 52(1) (failure to commission a construction engineer to supervise works to construct or alter a controlled reservoir);
- (c) section 52(2)(a) (failure to give notice to the Department of proposed works to construct or alter a controlled reservoir);
- (d) section 53(1)(a) (failure to take safety measures as directed in a safety report issued by a construction engineer); and
- (e) section 53(1)(b) (failure to undertake any requirements in the manner specified in a preliminary or final certificate issued by a construction engineer).

Information to be included in a stop notice

6. A stop notice must include information as to—

- (a) the grounds for serving the stop notice,
- (b) the steps to be taken by the reservoir manager and the timeframe within which such steps are to be taken,
- (c) the consequences for non-compliance with the stop notice, and
- (d) the details for an appeal to the Water Appeals Commission.

Appeal as to the serving of a stop notice

7. — (1) A reservoir manager on whom a stop notice has been served may appeal to the Water Appeals Commission against the decision of the Department to issue it.

(2) The appeal must be made in writing within 14 days beginning with the day on which the Department served the stop notice on the reservoir manager.

(3) The appeal may be made on any of the following grounds—

- (a) the decision was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the decision was unreasonable,
- (d) any step specified in the notice is unreasonable.

(4) The Water Appeals Commission may confirm, quash or vary the decision and it must notify the reservoir manager and the Department of its determination.

(5) Where the Water Appeals Commission determines to quash or vary the decision, the Department must withdraw the stop notice or, as the case may be, amend the stop notice, within 14 days of the date on which it receives the determination of the Water Appeals Commission.

(6) A stop notice continues to have effect pending the determination of an appeal by the Water Appeals Commission.

Completion Certificate

8.— (1) Where, after serving a stop notice, the Department is satisfied that a reservoir manager has taken all the steps specified in the stop notice, the Department must give the reservoir manager a certificate to that effect (a completion certificate).

(2) A stop notice ceases to have effect when the Department gives the reservoir manager a completion certificate.

(3) A reservoir manager on whom a stop notice is served may at any time apply for a completion certificate.

(4) The Department must make a decision as to whether, or not, to give a completion certificate within 14 days from the date an application for a completion certificate is made by a reservoir manager.

(5) Where the Department decides to give a completion certificate, it must give the completion certificate to the reservoir manager within 14 days of making its decision.

(6) Where the Department decides not to give a completion certificate it must, within 14 days of making its decision, give the reservoir manager notice in writing of that decision and advise the reservoir manager of the right of appeal to the Water Appeals Commission against the decision.

(7) The appeal may be made on any of the following grounds—

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

(8) An appeal to the Water Appeals Commission against the decision of the Department must be made in writing within 14 days from the date of the notice which contains the decision.

(9) The Water Appeals Commission may confirm or quash the decision of the Department not to give a completion certificate and it must notify the reservoir manager and the Department of its determination.

(10) Where the Water Appeals Commission determines that the decision should be quashed, the Department must give a completion certificate within 14 days from the receipt of the Water Appeals Commission determination.

Claim for Compensation

9. — (1) A reservoir manager may make a claim for compensation from the Department for loss suffered as a result of a stop notice being served in the circumstances where the loss was attributed to—

- (a) a stop notice the issue of which is quashed on appeal by the Water Appeals Commission under regulation 7;
- (b) any step in the notice which is varied on appeal by the Water Appeals Commission under regulation 7.

(2) The claim for compensation must—

- (a) be made in writing to the Department;
- (b) detail the loss suffered as a result of the serving of the stop notice and contain supporting evidence of such loss;
- (c) specify the amount of compensation claimed in respect of the loss;
- (d) be made within 60 days from the date of the determination of the Water Appeals Commission to quash the issue of the stop notice or vary the stop notice.

(3) Where a reservoir manager makes a claim for compensation, the Department must, within a period of 28 days beginning with the day that the claim is received, make a decision—

- (a) as to whether or not to pay compensation; and
- (b) if the decision is to award compensation, the amount of the compensation.

(4) The Department must, within 14 days of making a decision under paragraph (3), give the reservoir manager notice in writing of its decision. Where the decision is not to award compensation, or as the case may be, to award an amount of compensation which is less than the amount claimed, it must specify the reasons for that decision in the notice and that the reservoir manager has a right of appeal to the Water Appeals Commission against the decision.

(5) A reservoir manager may appeal, within 14 days beginning with the date of the notice, to the Water Appeals Commission against the decision of the Department—

- (a) not to award compensation; or
- (b) as to the amount of compensation payable.

(6) The Water Appeals Commission has the power to confirm, quash or vary the decision of the Department and it must notify the reservoir manager and the Department of its determination.

Payment of compensation

10. — (1) Where the Department decides to award the amount of compensation claimed it must make the payment to the reservoir manager—

- (a) within a period of 14 days from the date of making its decision where the Department is in possession of the required information to process the payment; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

(2) Where the Department has decided to award compensation less than the amount claimed and no appeal has been made by the reservoir manager under regulation 9(3), or any such appeal has been withdrawn, it must make the payment to the reservoir manager—

- (a) within a period of 14 days of the expiry date for a reservoir manager to make an appeal to the Water Appeals Commission, or as the case may be, within a period of 14 days from the receipt of confirmation that the appeal has been withdrawn where the Department is in possession of the required information to process payment to the reservoir manager; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

(3) Where a reservoir manager appeals against the decision of the Department not to award compensation or the amount of compensation payable, the Department must make any such payment in accordance with the determination of the Water Appeals Commission—

- (a) within a period of 14 days of the receipt of the determination of the Water Appeals Commission where the Department is in possession of the required information to process the payment; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

Offences and Penalties

11. Where a reservoir manager on whom a stop notice is served fails to comply with it, the reservoir manager commits an offence and is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or to both,
- (b) on conviction on indictment—
 - (i) for a first such offence, to imprisonment for a term not exceeding 12 months, or to a fine, or to both,
 - (ii) for any subsequent such offence, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

Defence

12. It is a defence to a charge in proceedings for an offence under regulation 11 for the reservoir manager to show both—

- (a) that the failure to comply with the stop notice was as a result of either 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 reservoir manager—
 - (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.

Recovery of costs by the Department

13. — (1) The Department may, by notice served, require a reservoir manager on whom a stop notice is served to pay the amount of any costs reasonably incurred by the Department in relation to (and up to the time of) the service of the stop notice.

(2) The costs to be recovered may include—

- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice, including legal advice.

(3) A notice served on a reservoir manager to recover costs must include—

- (a) a breakdown of the costs;
- (b) the total amount to be paid;
- (c) how payment is to be made;
- (d) the period within which the payment is to be made;
- (e) the right of appeal and the timeframe within which an appeal may be made.

(4) A reservoir manager on whom a notice is served may appeal to the Water Appeals Commission against the following—

- (a) the decision of the Department to impose the requirement to pay costs,
- (b) the decision of the Department as to the amount of the costs.

(5) An appeal to the Water Appeals Commission must be made in writing and within 14 days from the date of the notice specifying the costs to be recovered.

(6) The Water Appeals Commission may confirm, quash or vary the decision of the Department and it must notify the reservoir manager and the Department of its determination.

(7) Where a reservoir manager makes an appeal under paragraph (4) to the Water Appeals Commission, the notice specifying the costs is suspended until the Water Appeals Commission makes its determination or the reservoir manager withdraws the appeal.

Payment of costs

14. — (1) Subject to paragraph (2) and (3), a reservoir manager on whom a notice is served must pay the costs specified in the notice within 30 days from the date of the notice.

(2) Where a reservoir manager makes an appeal under regulation 13(4) and the Water Appeals Commission confirms or varies the decision, the reservoir manager must pay the amount specified in the

notice, or as the case may be, the amount determined by the Water Appeals Commission, within 30 days from the date of the receipt of the determination of the appeal.

(3) Where a reservoir manager withdraws an appeal, the amount specified in the notice must be paid within 30 days from the date of the confirmation that the appeal has been withdrawn.

Grants

15. — (1) The Department may pay such grants as it considers appropriate to reservoir managers of controlled reservoirs to enable or assist the managers to comply with their obligations under the Act .

(2) The payment of any such grant to reservoir managers of controlled reservoirs shall be subject to such terms and conditions as the Department determines and may include conditions for the repayment of such grant in the event of contravention of the other terms or conditions on which the grant is made.

Sealed with the Official Seal of the Department for Infrastructure on ?????????

(L.S.)

An Other

A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Order)

The Reservoirs Act (Northern Ireland) 2015 makes provision for regulations to be made regarding the frequency of visits by a supervising engineer to a high or medium consequence reservoir and to provide the power for the Department to serve stop notices, in certain circumstances, on reservoir managers of controlled reservoirs. It also makes provision for the Department by regulation to introduce a grant, subject to terms and conditions, to enable or assist reservoir managers of controlled reservoirs to comply with their obligations under the Act.

The Regulations in relation to the frequency of visits by supervising engineers make provision for:

- (a) a standard frequency of visits by a supervising engineer that will apply to a high or medium consequence controlled reservoir (regulation 2(2));
- (b) for a different standard frequency of visits to be applicable if the Department decides that the reservoir is of an acceptable standard as regards how it is being maintained (regulation 2(4));
- (c) the documents that will be considered and what needs to be specified or contained in the documents for the Department to decide that the reservoir is of an acceptable standard as regards how it is being maintained (regulation 3);
- (d) a right of appeal for the reservoir manager to the Water Appeals Commission against the Department's decision and the procedures for the appeal (regulation 4).

In relation to Stop Notices, the Regulations provide for

- (a) the Department to serve a stop notice on a reservoir manager prohibiting a reservoir manager from carrying on of an activity or permitting the carrying on by another of an activity specified in the notice until the reservoir manager has taken the steps specified in the notice (regulation 5(1));
- (b) a stop notice to be served in the circumstances where the Department reasonably considers that an activity as being carried on by the reservoir manager or by another, or an activity is likely to be carried on by the reservoir manager or by another and that the activity is or is likely to present a risk to the safety of the reservoir or involves, will involve or is likely to involve the commission of certain specified offences under sections 38(1)(e), 52(1), 52(2)(a) and 53(1) of the Act (regulation 5(2)&(4));
- (c) Information to be included in a stop notice (regulation 6), the issue of completion certificates (regulation 8), for a reservoir manager to make a claim for compensation in specified circumstances (regulation 9), for the Department to pay compensation to a reservoir manager (regulation 10) and for the Department to recover costs reasonably incurred from a reservoir manager in relation to the service of a stop notice (regulation 13);
- (d) a right of appeal by a reservoir manager to the Water Appeals Commission against the Department's decisions to serve a stop notice (regulation 7), not to issue a completion certificate (regulation 8(7)), not to pay compensation or not to pay the amount of compensation claimed (regulation 9(5)), and the Department's decision to impose the requirement to pay costs and the amount of such costs (regulation 13(4));
- (e) offences and penalties where a reservoir manager fails to comply with a stop notice and a defence to a charge in proceedings for an offence (regulations 11 & 12).

As regards the introduction of grants the Regulations provide for the Department to pay grants to reservoir managers to enable or assist them to comply with their obligations of the Act. Any such grant will be subject to such terms and conditions as the Department may determine (regulation 15).

These Regulations do not introduce any new policy therefore no business and regulatory impact assessment has been prepared for these Regulations as no significant impact on business, charities or voluntary bodies is foreseen in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Reservoirs Act (Northern Ireland) 2015.

ANNEX E

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20** No.000

FLOOD RISK MANAGEMENT**The Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 20*****Made* - - - -*Date* 20***Coming into operation* -*Date* 20**

The Department for Infrastructure, makes the following Order in exercise of the powers conferred by section 102(1)(c) of the Reservoirs Act (Northern Ireland) 2015^(a).

In accordance with section 107(c) of that Act, the Department has consulted the President of the Institution of Civil Engineers (or a committee of that Institution appointed for the purpose of the consultation).

Citation, commencement and interpretation

1. — (1) This Order may be cited as the Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 20** and comes into operation on Date 20**.

(2) In this order—

“impounding reservoir” means a controlled reservoir which is formed by impounding a watercourse in a natural valley by means of a dam;

“non-impounding reservoir” means a controlled reservoir which is not designed to obstruct or impede the flow of a watercourse;

“section” refers to a section of the Reservoirs Act Northern Ireland 2015;

“service reservoir” means a non-impounding reservoir which is constructed of brickwork, masonry, concrete or re-enforced concrete.

(3) References to a named panel are references to the panel of that name established under section 102(1)(a).

All reservoirs (Northern Ireland) Panel

2. A member of the All Reservoirs (Northern Ireland) Panel may undertake roles and responsibilities on all types of reservoirs (impounding, non-impounding and services reservoirs) and may be commissioned under—

- (a) section 20(3);
- (b) section 25;
- (c) section 29;
- (d) section 33(2);
- (e) section 34;
- (f) section 36(2);
- (g) section 43;
- (h) section 56;
- (i) section 57;
- (j) section 63;
- (k) section 69;
- (l) section 71;
- (m) section 73;
- (n) section 75;
- (o) section 77; or
- (p) Schedule 1

Non-impounding Reservoirs (Northern Ireland) Panel

3. A member of the Non-impounding Reservoirs (Northern Ireland) Panel may be commissioned under—

- (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a non-impounding reservoir;
- (b) section 25;
- (c) section 29;
- (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a non-impounding reservoir;
- (e) section 34 for the purposes only of an inspecting engineer in respect of a non-impounding reservoir;
- (f) section 36(2) for the purposes only of compliance with inspection report in respect of a non-impounding reservoir;
- (g) section 43 for the purposes only of a construction engineer in respect of a non-impounding reservoir;

- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a non-impounding reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a non-impounding reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a non-impounding reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a non-impounding reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a non-impounding reservoir;
- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a non-impounding reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a non-impounding reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a non-impounding reservoir; or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a non-impounding reservoir.

Service Reservoirs (Northern Ireland) Panel

4. A member of the Service Reservoirs (Northern Ireland) Panel may be commissioned under—

- (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a service reservoir;
- (b) section 25;
- (c) section 29;
- (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a service reservoir;
- (e) section 34 for the purposes only of an inspecting engineer in respect of a service reservoir;
- (f) section 36(2) for the purposes only of compliance with inspection report in respect of a service reservoir;
- (g) section 43 for the purposes only of a construction engineer in respect of a service reservoir;
- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a service reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a service reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a service reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a service reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a service reservoir;

- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a service reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a service reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a service reservoir; or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a service reservoir.

Supervising Engineers (Northern Ireland) Panel

5. A member of the Supervising Engineers (Northern Ireland) Panel may be commissioned under sections 25 or 29 for all types of reservoirs.

Sealed with the Official Seal of the Department for Infrastructure on ***

A senior officer of the Department for Infrastructure

Date



EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the sections of the Reservoirs Act (Northern Ireland) 2015 under which a member of a panel established under section 102(1)(a) of that Act may be commissioned to undertake a particular purpose as required by the Act.

The panels referred to in the Order were established under section 102(1) by the Department.

This Order does not introduce any new policy therefore no business and regulatory impact assessment has been prepared for this Order as no significant impact upon business, charities or voluntary organisations is foreseen in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Reservoirs Act (Northern Ireland) 2015.

ANNEX F

List of consultees - Targeted consultation

Reservoir Managers / owners of reservoirs in Northern Ireland

Institution of Civil Engineers

British Dam Society

Engineers Ireland

Office of Public Works (ROI)

District /Borough Councils

Ulster Farmers Union

Ulster Angling Federation

CIWEM

NIAPA

Ulster Coarse Fishing Federation

UK Government Departments with responsibility for reservoirs - Defra, Welsh Government, Scottish Government

UK Reservoir Safety Regulators - SEPA, EA, NRW

ANNEX G

List of Consultation Questions

PART 1 - Commencement

- Q1 Do you agree that the sections of the Act that the Department proposes to commence, include the key elements of the reservoir safety regime envisaged by the Act?

PART 2 - Regulations

- Q2 Do you agree with the level of information that it is proposed is held on the controlled reservoirs register?
- Q3 Do you agree with the level of information that it is proposed should be provided by reservoir managers at registration?
- Q4 Do you agree with the standard frequency of visits proposed for a high or medium consequence reservoir?
- Q5 Do you agree that the proposed level of emergency response information displayed at or near a reservoir is sufficient?
- Q6 Do you agree with the proposed approach to stop notices set out in the draft Regulations at Annex D?
- Q7 Do you agree that consideration is given to an appropriate and affordable grant scheme to assist with the cost of reservoir safety works?

PART 3 - Designation Criteria

- Q8 Do you agree with the proposed criteria which will be used to give a reservoir a high, medium or low consequence designation?



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