

RESERVOIRS ACT AND AUDIT

1. This paper provides the Committee with briefing on the:

- Proposed commencement of the Reservoirs Act
- Reservoirs Review; and
- Reservoirs Audit.

Reservoirs Act

2. In my written brief to the Committee on 20 October 2015 I advised that:

- The Reservoirs Bill received Royal Assent on 24 July and is now the Reservoirs Act (Northern Ireland) 2015;
- The Act will regulate reservoirs capable of holding 10,000m³ or more of water;
- Fifteen sections and Schedule 2 came into operation on the day after Royal Assent. The most important of which are; the definition of a controlled reservoir, reservoir managers, and powers of entry.

3. The remaining provisions of the Act will be commenced in two Phases.

4. Work is continuing on the introduction of the provisions in Phase 1 a list of which is attached at **Annex A**.

5. Priority is being given to making commencement orders and the regulations for; calculating the capacity of a controlled reservoir, arrangements for registration, the establishment of panels of engineers, and the need for managers to display emergency response Information.

6. Work to commence the remaining provisions in Phase 1 and making the relevant regulations will begin as soon as possible after the first tranche of provisions are introduced and the regulations made.

7. Phase 2 includes the recurring elements of the Act and mainly concern the requirement for a manager to:

- commission a supervising engineer;
- comply with recommendations or directions contained in an inspection report; and
- commission further inspections of a reservoir (High Consequence reservoirs only).

8. The Assembly will be invited to consider the commencement of Phase 2 provisions only after it has been presented with a report on the condition of High and Medium Consequence controlled reservoirs in Northern Ireland together with the estimated capital cost of works in the interest of safety. This is known as the Reservoirs Audit further briefing on which is set out below.

Reservoirs Review

9. I advised the Committee in October that the number of controlled reservoirs had reduced to 132. The number has further reduced to 131 with 2 reservoirs having been removed (both public sector) and 1 reservoir (third sector) having been added. The respective managers have been advised accordingly.

Reservoirs Audit

10. The purpose of the Audit is to gather information on the condition of controlled reservoirs that are likely to receive High or Medium Consequence designation, together with an estimate of the capital cost of works in the interests of safety.
11. The Department will reimburse the costs of providing the required information by private sector and not-for-profit reservoir managers, up to a maximum £2,500.
12. In October, I advised that the Audit concerns 119 reservoirs. This number has since increased to 120 with the provisional designation of one reservoir changing from Low to Medium Consequence. Details are as follows:
 - 112 have agreed to take part (34 Private, 68 public, and 10 not-for-profit);
 - 4 remain undecided (all 4 public); and
 - 4 have declined to take part (all private sector).
13. Work is continuing to secure the commitment of the 4 public sector organisations.
14. Of the 112 that are involved in the Audit to date information has been received on 55 reservoirs. The breakdown by sector is as follows:
 - 37 public sector reservoirs;
 - 11 private sector reservoirs; and
 - 7 not-for-profit reservoirs.
15. The full report is still expected to be presented to the Assembly by the end of July.

David Porter
Chief Executive
Rivers Agency
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Phase 1 - Provisions

Phase 1 includes the following:

- Controlled reservoirs - Matters to be taken into account under section 2(3);
- Controlled reservoirs: further provision;
- Reservoir managers - Multiple managers and duty to co-operate;
- Registration;
- Reservoir designation;
- Panels of engineers;
- Inspection of high and medium consequence reservoirs;
- Construction or alteration of controlled reservoirs;
- Incident reporting;
- Flood Plans;
- Display of emergency response information;
- Emergency powers;
- Stop notices;
- Dispute referral;
- Assessment of engineers' reports;
- Form and content of notices/ reports/certificates; and
- Schedules 1, 3 and 4.