



Northern Ireland  
Assembly

Reservoirs Bill

Notice of Amendments tabled on  
21 April 2015 for Consideration Stage

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**Clause 3, Page 2, Line 35**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 36**

Leave out 'matters' and insert 'issues'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 37**

Leave out '(ii)'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 37**

After 'the' insert 'potential adverse consequences or'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 39**

Leave out 'matters' and insert 'issues'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 39**

After '22(3)' insert 'and in regulations under section 22A'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 39**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 3, Page 2, Line 40**

Leave out from ', or' to 'section,' on line 41 and insert 'of section 22(3)'

*Minister of Agriculture and Rural Development*

**Clause 8, Page 5, Line 31**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 16, Page 8, Line 24**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 8, Line 41**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 1**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 3**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 4**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 5**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 6**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 9**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 11**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 17, Page 9, Line 17**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 18, Page 9, Line 20**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 18, Page 9, Line 22**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 18, Page 9, Line 26**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 18, Page 9, Line 29**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 18, Page 10, Line 12**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 19, Page 10, Line 16**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 19, Page 10, Line 23**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 19, Page 10, Line 27**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 20, Page 10, Line 39**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 20, Page 11, Line 9**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Clause 21**, Page 11, Line 33

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 21**, Page 11, Line 41

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Clause 21**, Page 12, Line 7

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Clause 21**, Page 12, Line 16

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Clause 21**, Page 12, Line 21

Leave out subsection (9)

*Minister of Agriculture and Rural Development*

**Clause 22**, Page 12, Line 35

Leave out ‘For the purposes of subsection (1)(a),’ and insert ‘The’

*Minister of Agriculture and Rural Development*

**Clause 22**, Page 12, Line 35

After ‘consequences’ insert ‘of an uncontrolled release of water from a controlled reservoir’

*Minister of Agriculture and Rural Development*

**Clause 22**, Page 13, Line 2

Leave out ‘The matters which’ and insert ‘Issues that’

*Minister of Agriculture and Rural Development*

**Clause 22, Page 13, Line 3**

Leave out ‘(b)’

*Minister of Agriculture and Rural Development*

**Clause 22, Page 13, Line 3**

After ‘the’ insert ‘potential adverse consequences or’

*Minister of Agriculture and Rural Development*

**Clause 22, Page 13, Line 9**

Leave out ‘matters’ and insert ‘issues’

*Minister of Agriculture and Rural Development*

**Clause 22, Page 13, Line 9**

Leave out ‘may by regulations specify’ and insert ‘considers relevant’

*Minister of Agriculture and Rural Development*

**Clause 22, Page 13, Line 10**

Leave out subsection (4)

*Minister of Agriculture and Rural Development*

**New Clause**

After clause 22 insert -

**‘Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision**

**22A.**—(1) The Department may by regulations make further provision about the matters that are to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a).

(2) Without prejudice to the generality of subsection (1), the regulations may—

- (a) make further provision in relation to the matters in section 22(1),
- (b) in particular, when the Department is satisfied that an appropriate methodology exists for assessing the probability of an uncontrolled release of water from a controlled reservoir, include provision as regards the methodology that is to be taken into account in assessing such probability,
- (c) amend references in this Act to “reservoir designation”, “high-consequence reservoir”, “medium-consequence reservoir” and “low-consequence reservoir” in pursuance of the regulations,
- (d) include adaptations for the purposes of section 3(3).

(3) Before making regulations under subsection (1), the Department must consult the Institution of Civil Engineers and such other organisations or persons as it considers appropriate.’

*Minister of Agriculture and Rural Development*

**Clause 23**, Page 13, Line 16

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 23**, Page 13, Line 16

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 23**, Page 13, Line 17

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 24**, Page 13, Line 23

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 24**, Page 13, Line 23

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 24**, Page 13, Line 25

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 24**, Page 13, Line 25

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 25, Page 14, Line 3**

Leave out 'section' and insert 'Act'

*Minister of Agriculture and Rural Development*

**Clause 25, Page 15, Line 5**

Leave out paragraph (k)

*Minister of Agriculture and Rural Development*

**Clause 25, Page 16, Line 15**

Leave out '26' and insert '25A'

*Minister of Agriculture and Rural Development*

**New Clause**

After clause 25 insert -

**'Regulations as to visits by supervising engineer'**

**25A.**—(1) The Department may by regulations make provision—

- (a) for there to be a standard frequency of visits that must be made by a supervising engineer to a high-consequence or medium-consequence reservoir,
- (b) for the standard frequency to be different according to whether or not the Department considers that a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained,
- (c) for the Department to decide whether it considers that a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained, taking account (as appropriate) of the following—
  - (i) whether or not a pre-commencement inspection report contains a pre-commencement safety recommendation,
  - (ii) whether or not an inspection report specifies any measure that should be taken in the interests of the safety of the reservoir or any other matter that the inspecting engineer recommends should be monitored by the supervising engineer until the next inspection of the reservoir,
  - (iii) any inspection compliance certificate,
  - (iv) any written statement by the supervising engineer under section 25(5) currently applicable and copied to the Department by virtue of section 25(6).

(2) Regulations making provision referred to in subsection (1)(c) must—

- (a) require the Department to notify the reservoir manager of a high-consequence or medium-consequence reservoir of its decision as to 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 the supervising engineer,
- (b) provide that the reservoir manager may appeal to the Water Appeals Commission against the decision specified in the notice,
- (c) provide that the Commission may confirm or quash the decision,



(d) provide that the decision in respect of which an appeal is made continues to have effect pending a decision being made in the appeal.

(3) In subsection (1)(c)(ii), “the inspecting engineer” has the same meaning as in sections 33 and 34 (see section 33(6)(a)).’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 4

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 4

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 9

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 10

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 11

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 11

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28**, Page 17, Line 17

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28, Page 17, Line 21**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 28, Page 17, Line 21**

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 25**

Leave out from second ‘subsection’ to ‘28(1)’ on line 26 and insert ‘section 28(1) does not apply’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 27**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 27**

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 35**

At beginning insert ‘Where section 28(1) does not apply by virtue of subsection (1),’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 38**

Leave out from second ‘subsection’ to ‘28(1)’ on line 39 and insert ‘section 28(1) does not apply’

*Minister of Agriculture and Rural Development*

**Clause 29, Page 17, Line 40**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29**, Page 17, Line 40

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29**, Page 18, Line 4

At beginning insert ‘Where section 28(1) does not apply by virtue of subsection (3),’

*Minister of Agriculture and Rural Development*

**Clause 29**, Page 18, Line 12

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 29**, Page 18, Line 13

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 30**, Page 18, Line 16

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 30**, Page 18, Line 17

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 30**, Page 18, Line 21

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 30**, Page 18, Line 21

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 31**, Page 18, Line 34

Leave out first 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 31**, Page 18, Line 34

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 31**, Page 19, Line 14

Leave out first 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 31**, Page 19, Line 14

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 32**, Page 19, Line 28

Leave out first 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 32**, Page 19, Line 28

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 32**, Page 20, Line 7

Leave out first 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 32**, Page 20, Line 7

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 33**, Page 21, Line 24

Leave out sub-paragraphs (i) and (ii) and insert ‘is required of the supervising engineer by virtue of regulations made under section 25A(1),’

*Minister of Agriculture and Rural Development*

**Clause 35**, Page 23, Line 7

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 35**, Page 23, Line 7

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36**, Page 23, Line 37

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36**, Page 23, Line 37

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36**, Page 24, Line 12

Leave out paragraph (f)

*Minister of Agriculture and Rural Development*

**Clause 36**, Page 24, Line 18

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36**, Page 24, Line 18

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36, Page 24, Line 36**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36, Page 24, Line 39**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 36, Page 24, Line 41**

Leave out subsection (4)

*Minister of Agriculture and Rural Development*

**New Clause**

After clause 36 insert -

**‘Offence in connection with inspection: failure to secure compliance with safety direction or recommendation**

**36A.—**(1) Failure by a reservoir manager of a high-consequence or medium-consequence reservoir without lawful excuse to comply with the requirements of section 34(1) (ensuring compliance with direction in inspection report or pre-commencement safety recommendation as to taking of measure) is an offence.

(2) A reservoir manager guilty of an offence under subsection (1)—

- (a) in relation to a controlled reservoir which is, at the time the offence is committed, a high-consequence reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale,
- (b) in relation to a controlled reservoir which is, at the time the offence is committed, a medium-consequence reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) Section 70 makes provision as to further remedies available on conviction of an offence referred to in subsection (1).’

*Minister of Agriculture and Rural Development*

**Clause 46, Page 29, Line 40**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 46, Page 29, Line 40**

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 46, Page 30, Line 1**

Leave out first 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 46, Page 30, Line 1**

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 49, Page 31, Line 19**

Leave out from 'any' to the end of line 25 and insert 'the requirements in section 40(2)(a) (commissioning of construction engineer) is an offence.'

*Minister of Agriculture and Rural Development*

**Clause 49, Page 31, Line 33**

Leave out '(a)'

*Minister of Agriculture and Rural Development*

**Clause 49, Page 31, Line 35**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 49, Page 31, Line 39**

Leave out subsections (4) and (5)

*Minister of Agriculture and Rural Development*

## **New Clause**

After clause 49 insert -

### **‘Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate**

**49A.**—(1) Failure by a reservoir manager of a controlled reservoir without lawful excuse to comply with any of the following requirements under this Part is an offence—

- (a) the requirements in section 43(1) (ensuring compliance with direction in safety report as to taking of safety measure),
- (b) the requirements in section 47 (ensuring compliance with preliminary certificate or final certificate).

(2) A reservoir manager guilty of an offence under subsection (1) is liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both,
- (b) on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(3) Section 70 makes provision as to further remedies available on conviction of an offence referred to in subsection (1)(a).’

*Minister of Agriculture and Rural Development*

### **Clause 52, Page 33, Line 28**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

### **Clause 52, Page 33, Line 37**

After ‘in’ insert ‘or relating to’

*Minister of Agriculture and Rural Development*

### **Clause 52, Page 33, Line 38**

Leave out from ‘direct’ to second ‘notice’ in line 41

*Minister of Agriculture and Rural Development*

### **Clause 52, Page 33, Line 42**

After ‘concerned’ insert ‘and any other person who has prepared the incident report’

*Minister of Agriculture and Rural Development*



**Clause 52, Page 33, Line 42**

After second ‘manager’ insert ‘and (as appropriate) the other person’

*Minister of Agriculture and Rural Development*

**Clause 52, Page 34, Line 1**

Leave out from ‘a’ to the end of line 3 and insert ‘the incident report, a copy of it or any information in or relating to it,’

*Minister of Agriculture and Rural Development*

**Clause 52, Page 34, Line 4**

Leave out ‘give access to a copy of such an incident report’ and insert ‘permit access to the incident report, a copy of it or any information in or relating to it,’

*Minister of Agriculture and Rural Development*

**Clause 52, Page 34, Line 5**

At end insert -

‘(3A) Notice under subsection (3) may also specify requirements as to the storage of the incident report and copies of it in the interests of national security.

(3B) Where notice under subsection (3) states that this subsection applies to any of the information specified in the notice (“the specified information”), the person on whom the notice is served must not give to any other person any indication of the existence of the specified information.

(3C) Any duty of a person under regulations made under subsection (1) to publish an incident report, a copy of such a report or any information in or relating to such a report does not apply to the extent that notice served on the person under subsection (3) requires the person not to do so.’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 13**

After ‘(n)’ insert ‘and subsection (3A)’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 20**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 24**

At end insert -

‘(3A) Regulations under subsection (1) containing provision entitling the Department to recover costs as referred to in subsection (3)(m) must provide for a right of appeal to the Water Appeals Commission against—

(a) the Department’s decision to require the person to pay the costs,

(b) the Department’s decision as to the amount of the costs.

(3B) The Commission may confirm, quash or vary the decision.’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 26**

After ‘in’ insert ‘or relating to’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 27**

Leave out from ‘direct’ to second ‘notice’ in line 29

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 30**

After ‘concerned’ insert ‘and each other relevant person’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 30**

After second ‘manager’ insert ‘and other relevant person’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 31**

Leave out from ‘a’ to the end of line 33 and insert ‘the flood plan, a copy of it or any information in or relating to it,’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 34**

Leave out ‘, or not to give access to, a copy of such a flood plan’ and insert ‘and not to permit access to the flood plan, a copy of it or any information in or relating to it,’

*Minister of Agriculture and Rural Development*

**Clause 53, Page 35, Line 35**

At end insert -

‘(4A) Notice under subsection (4) may also specify requirements as to the storage of the flood plan and copies of it in the interests of national security.

(4B) Where notice under subsection (4) states that this subsection applies to any of the information specified in the notice (“the specified information”), the person on whom the notice is served must not give to any other person any indication of the existence of the specified information.

(4C) For the purposes of subsection (4), a relevant person is a person (other than the Department)—

- (a) who is required, by virtue of regulations under subsection (1), to prepare, review or update the flood plan, provide, produce or submit it or publish or distribute copies of it,
- (b) who receives or may receive the flood plan or information in or relating to it.

(4D) Any duty of a person under regulations made under subsection (1) to publish a flood plan, a copy of such a plan or any information in or relating to such a plan does not apply to the extent that notice served on the person under subsection (4) requires the person not to do so.’

*Minister of Agriculture and Rural Development*

**Clause 54, Page 36, Line 6**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 54, Page 36, Line 6**

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 54, Page 36, Line 7**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 55, Page 36, Line 35**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 55, Page 36, Line 35**

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 4**

Leave out subsection (1)

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 10**

Leave out ‘reservoir manager of a controlled reservoir’ and insert ‘person’

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 12**

At end insert -

- ‘(ya) the requirements of a notice under subsection (3) of section 52 (publication etc. of incident reports and national security) or subsection (3B) of that section in so far as subsection (3B) applies in relation to the notice,
- (za) the requirements of a notice under subsection (4) of section 53 (publication etc. of flood plans and national security) or subsection (4B) of that section in so far as subsection (4B) applies in relation to the notice,’

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 15**

At end insert -

‘(2A) A person does not commit an offence under subsection (2) where the person fails to comply with the requirements referred to in paragraph (ya) or (za) of that subsection in order to comply with any other duty imposed on the person by virtue of any of the following—

- (a) the Environmental Information Regulations 2004,
- (b) the Freedom of Information Act 2000,
- (c) a constable acting in the course of the constable’s duties,
- (d) an order of a court of competent jurisdiction.’

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 16**

Leave out ‘reservoir manager’ and insert ‘person’

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 16**

Leave out '(1) or'

*Minister of Agriculture and Rural Development*

**Clause 56, Page 37, Line 18**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Clause 65, Page 42, Line 1**

Leave out subsection (4) and insert -

'(4) If the Department considers it appropriate to do so, it may by notice served on the reservoir manager require the manager to pay the Department such amount of the costs reasonably incurred by it in pursuance of the exercise of its powers under this section as is specified in the notice.

(5) Subject to section 71A, the reservoir manager must pay the amount of any costs so incurred and specified in such notice.'

*Minister of Agriculture and Rural Development*

**Clause 67, Page 42, Line 42**

Leave out subsection (6) and insert -

'(6) If the Department considers it appropriate to do so, it may by notice served on the reservoir manager require the manager to pay the Department such amount of the costs reasonably incurred by it in connection with consultation under this section as is specified in the notice.

(7) Subject to section 71A, the reservoir manager must pay the amount of any costs so incurred and specified in such notice.'

*Minister of Agriculture and Rural Development*

**Clause 69, Page 43, Line 27**

Leave out subsection (6) and insert -

'(6) If the Department considers it appropriate to do so, it may by notice served on the reservoir manager require the manager to pay the Department such amount of the costs reasonably incurred by it in making arrangements under this section as is specified in the notice.

(7) Subject to section 71A, the reservoir manager must pay the amount of any costs so incurred and specified in such notice.'

*Minister of Agriculture and Rural Development*

**Clause 71, Page 45, Line 1**

At beginning insert ‘Subject to section 71A,’

*Minister of Agriculture and Rural Development*

**New Clause**

After clause 71 insert -

*‘Recovery of costs under section 65, 67, 69 or 71: appeal*

**Recovery of costs under section 65, 67, 69 or 71: appeal**

**71A.**—(1) A reservoir manager required by virtue of notice served by the Department under section 65(4), 67(6), 69(6) or 71(7) to pay the Department’s costs referred to in the section may appeal to the Water Appeals Commission against—

- (a) the Department’s decision to require the manager to pay the costs,
- (b) the Department’s decision as to the amount of the costs.

(2) The Commission may confirm, quash or vary the decision.’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 46, Line 10**

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 46, Line 23**

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 46, Line 32**

Leave out from ‘include’ to ‘and’ on line 33 and insert -

‘—

- (a) ’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 46, Line 39**

At end insert -

- ‘(b) secure that the Commission may confirm, quash or vary the decision.’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 47, Line 2**

At end insert -

‘(b) secure that the Commission may confirm or quash the decision.’

*Minister of Agriculture and Rural Development*

**Clause 73, Page 47, Line 3**

Leave out subsection (6)

*Minister of Agriculture and Rural Development*

**Clause 74, Page 47, Line 17**

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 74, Page 47, Line 18**

Leave out ‘and provide for the powers of the Commission in an appeal’

*Minister of Agriculture and Rural Development*

**Clause 74, Page 47, Line 21**

At end insert -

‘(d) must secure that the Commission may confirm, quash or vary the decision.’

*Minister of Agriculture and Rural Development*

**Clause 74, Page 47, Line 22**

Leave out subsection (2)

*Minister of Agriculture and Rural Development*

**Clause 77, Page 49, Line 15**

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 77, Page 49, Line 16**

Leave out ‘and the powers of the Commission in an appeal’

*Minister of Agriculture and Rural Development*

**Clause 77, Page 49, Line 21**

At end insert -

‘(ja) for the Commission to have power to confirm or quash the decision,’

*Minister of Agriculture and Rural Development*

**Clause 77, Page 49, Line 37**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 77, Page 50, Line 10**

Leave out subsection (2)

*Minister of Agriculture and Rural Development*

**Clause 79, Page 51, Line 16**

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 79, Page 52, Line 9**

At end insert -

‘(b) secure that the Commission may confirm or quash the decision.’

*Minister of Agriculture and Rural Development*

**Clause 79, Page 52, Line 10**

Leave out subsection (7)

*Minister of Agriculture and Rural Development*



**Clause 82**, Page 53, Line 38

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 82**, Page 54, Line 37

At end insert -

‘(b) secure that the Commission may confirm or quash the decision.’

*Minister of Agriculture and Rural Development*

**Clause 82**, Page 54, Line 38

Leave out subsection (8)

*Minister of Agriculture and Rural Development*

**Clause 84**, Page 55, Line 36

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 84**, Page 56, Line 10

At end insert -

‘(b) secure that the Commission may confirm or quash the decision.’

*Minister of Agriculture and Rural Development*

**Clause 84**, Page 56, Line 11

Leave out subsection (6)

*Minister of Agriculture and Rural Development*

**Clause 86**, Page 57, Line 5

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Clause 86, Page 57, Line 6**

Leave out from ‘and’ to ‘appeal’ on line 7

*Minister of Agriculture and Rural Development*

**Clause 86, Page 57, Line 9**

At end insert -

‘(b) secure that the Commission may confirm, quash or vary the decision.’

*Minister of Agriculture and Rural Development*

**Clause 86, Page 57, Line 10**

Leave out subsection (4)

*Minister of Agriculture and Rural Development*

**Clause 88, Page 58, Line 5**

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Clause 88, Page 58, Line 6**

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Clause 91, Page 60, Line 2**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 92, Page 60, Line 38**

Leave out from the beginning to ‘of’ and insert ‘If the Department considers it appropriate to do so it may, in the circumstances mentioned in subsection (8A), by notice served on the reservoir manager require the manager to pay the Department such amount of the following as is specified in the notice’

*Minister of Agriculture and Rural Development*

**Clause 92**, Page 61, Line 1

At beginning insert -

‘(8A) The circumstances are’

*Minister of Agriculture and Rural Development*

**Clause 93**, Page 61, Line 17

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 93**, Page 61, Line 17

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 95**, Page 62, Line 19

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**New Clause**

Before clause 104 insert -

**‘Power of Water Appeals Commission to award costs in an appeal**

**103A.**—(1) The Water Appeals Commission may make an order as to the costs of the parties to an appeal mentioned in subsection (2) and as to the parties by whom the costs are to be paid.

(2) The appeals are—

- (a) an appeal under section 21 (reservoir designation),
- (b) an appeal by virtue of regulations under section 25A(1) (decision of Department as to whether high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained: frequency of visits by supervising engineer),
- (c) an appeal by virtue of regulations under section 53(1) (cost recovery in relation to flood plan),
- (d) an appeal under section 71A (cost recovery under section 65, 67, 69 or 71),
- (e) an appeal by virtue of regulations under section 72(1) ( in relation to stop notice),
- (f) an appeal by virtue of regulations under section 76(1) (in relation to enforcement undertaking),
- (g) an appeal by virtue of regulations under section 78(1) (imposition of fixed monetary penalty),
- (h) an appeal by virtue of regulations under section 81(1) (in relation to variable monetary penalty).

(3) An order made under this section has effect as if it had been made by the High Court.

(4) Without prejudice to the generality of subsection (3), the Master (Taxing Office) has the same powers and duties in relation to an order made under this section as the Master has in relation to an order made by the High Court.

(5) Proceedings before the Commission are, for the purposes of the Litigants in Person (Costs and Expenses) Act 1975, to be regarded as proceedings to which section 1(1) of that Act applies.’

*Minister of Agriculture and Rural Development*

### **New Clause**

Before clause 104 insert -

#### **‘Orders as to costs: supplementary**

**103B.**—(1) Subsection (2) applies where all of the following apply—

(a) for the purpose of an appeal referred to in section 103A(2)—

(i) the Water Appeals Commission is required, before a decision is reached, to give any person an opportunity, or ask any person whether the person wishes, to appear before and be heard by it,

(ii) arrangements are made for a hearing to be held,

(b) the hearing does not take place,

(c) if it had taken place, the Commission would have had power to make an order under section 103A(1) requiring any party to pay any costs of any other party.

(2) The power to make such an order may be exercised, in relation to costs incurred for the purposes of the hearing, as if the hearing had taken place.’

*Minister of Agriculture and Rural Development*

### **New Clause**

Before clause 104 insert -

#### **‘Fees in relation to appeals**

**103C.** The Office of the First Minister and deputy First Minister may by regulations specify the fees to be paid to the Water Appeals Commission in connection with appeals referred to in section 103A(2).’

*Minister of Agriculture and Rural Development*

### **New Clause**

After clause 104 insert -

#### **‘National security: further provision**

**104A.**—(1) Without prejudice to section 9(4), if it appears to the Secretary of State that any other disclosure of any information relating to a controlled reservoir would adversely affect national security, the Secretary of State may issue a notice (“a non-disclosure notice”) to the Department in relation to the information.

(2) Where a non-disclosure notice has been issued under subsection (1), the Department must not publish or disclose any of the information or require any person to do so.

(3) Where a non-disclosure notice states that this subsection applies to any of the information specified in the notice (“the specified information”), the Department must not give to any other person any indication of the existence of the specified information.

(4) Subsections (2) and (3) do not apply to the extent that they would prevent the Department from complying with any other obligation to which it is subject in pursuance of—

- (a) the Environmental Information Regulations 2004,
- (b) the Freedom of Information Act 2000,
- (c) a constable acting in the course of the constable's duties,
- (d) an order of a court of competent jurisdiction.'

*Minister of Agriculture and Rural Development*

**Clause 106**, Page 65, Line 29

After 'quality' insert 'and content'

*Minister of Agriculture and Rural Development*

**New Clause**

After clause 106 insert -

**'Publication of information as regards ranges of costs of engineers' services**

**106A.**—(1) The Department may publish information as regards ranges of costs of the provision of relevant services by engineers who are members of panels of reservoir engineers established under section 97.

(2) For the purposes of this section, "relevant services" are services that are provided by such engineers in pursuance of this Act or are available for such provision.'

*Minister of Agriculture and Rural Development*

**Clause 107**, Page 66, Line 16

After 'must' insert ', not later than 28 days after the resignation,'

*Minister of Agriculture and Rural Development*

**Clause 107**, Page 66, Line 16

Leave out 'the resignation' and insert 'it'

*Minister of Agriculture and Rural Development*

**Clause 107**, Page 66, Line 21

Leave out subsection (3)

*Minister of Agriculture and Rural Development*

**Clause 107, Page 66, Line 27**

Leave out ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Clause 117, Page 70, Line 12**

At end insert -

‘(iia) section 22A(1) (further provision about matters that are to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)),’

*Minister of Agriculture and Rural Development*

**Clause 117, Page 70, Line 12**

At end insert -

‘(iib) section 25A(1) (regulations as to visits by supervising engineer to high-consequence or medium-consequence reservoir),’

*Minister of Agriculture and Rural Development*

**Clause 117, Page 70, Line 28**

Leave out ‘a statutory provision’ and insert ‘Northern Ireland legislation or an Act of Parliament’

*Minister of Agriculture and Rural Development*

**Clause 118, Page 70, Line 39**

At end insert -

“‘the Water Appeals Commission’ means the Water Appeals Commission for Northern Ireland,”

*Minister of Agriculture and Rural Development*

**Clause 120, Page 71, Line 7**

After ‘on’ insert ‘the day after’

*Minister of Agriculture and Rural Development*

**Clause 120, Page 71, Line 9**

Leave out ‘116,’ and insert ‘116 to’

*Minister of Agriculture and Rural Development*

At end insert -

‘(2A) No order may be made under subsection (2) in respect of the following provisions unless a draft of the order has been laid before, and approved by a resolution of, the Assembly—

- (a) section 24(1), (2), (4) and (5),
- (b) in section 25—
  - (i) subsections (1) to (9),
  - (ii) subsection (10), for the purposes of sections 26 to 29 and 35,
- (c) sections 25A, 26 and 27,
- (d) in section 28—
  - (i) subsections (2) to (4),
  - (ii) subsection (5), in so far as it defines an “inspecting engineer” as an engineer duly commissioned under section 32 to supervise the taking of a measure referred to in section 32(1)(b),
- (e) sections 29(2) to (5),
- (f) in section 32—
  - (i) in subsection (1), paragraph (b),
  - (ii) subsection (3),
- (g) in section 33—
  - (i) subsections (2) and (3),
  - (ii) in subsection (4), paragraphs (c), (d) and (i),
  - (iii) in subsection (5), paragraph (b),
  - (iv) in subsection (6), paragraph (b),
- (h) sections 34 and 35,
- (i) in section 36(1)—
  - (i) paragraphs (a), (b), (c) and (d),
  - (ii) paragraph (e) (in relation to the requirements of section 32(1)(b)),
  - (iii) paragraph (g),
- (j) in section 36(2), paragraphs (a), (b), (d) and (e),
- (k) section 36(3), in relation to the following offences—
  - (i) an offence under section 36(1)(a), (b), (c) or (d),
  - (ii) an offence under section 36(1)(e) that is attributable to a failure to comply with the requirements of section 32(1)(b),
  - (iii) an offence under section 36(1)(g),
  - (iv) an offence under section 36(2)(a), (b), (d) or (e),
- (l) section 36A,
- (m) section 37,
- (n) in section 63(1), paragraph (a),
- (o) sections 64 and 65, in so far as they concern the commissioning of a supervising engineer,
- (p) in section 66, paragraph (a),
- (q) sections 67 to 69,
- (r) section 70, in relation to an offence under section 36A(1),

- (s) section 71A, as regards costs in relation to the commissioning of a supervising engineer under section 65 and costs under section 67 or 69,
- (t) sections 76 to 84,
- (u) section 85, in relation to the consultation required by sections 76(2), 78(2) and 81(2),
- (v) section 86, in relation to regulations under sections 76(1) and 81(1),
- (w) section 87,
- (x) section 93, in so far as it defines a “relevant engineer” as a supervising engineer (including a nominated representative of a supervising engineer under section 25(7)(a) who is acting as such in the event of the supervising engineer being unavailable),
- (y) section 95, in relation to failure to comply with the requirements of section 93 as respects a relevant engineer who is a supervising engineer (including a nominated representative of a supervising engineer under section 25(7)(a) who is acting as such in the event of the supervising engineer being unavailable),
- (z) sections 103A, 103B and 103C, in relation to—
  - (i) an appeal by virtue of regulations under section 25A(1),
  - (ii) an appeal under section 71A as regards costs in relation to the commissioning of a supervising engineer under section 65 and costs under section 67 or 69,
  - (iii) an appeal by virtue of regulations under section 76(1), 78(1) or 81(1),
- (za) section 105.’

*Minister of Agriculture and Rural Development*

**Clause 120, Page 71, Line 16**

After ‘Act’ insert ‘including, in the case of an order in respect of any provision referred to in subsection (2A), such transitional or transitory modifications of this Act as the Department considers necessary or expedient in connection with any other provisions of this Act not yet having come into operation’

*Minister of Agriculture and Rural Development*

**Schedule 1, Page 72, Line 5**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Schedule 1, Page 72, Line 5**

Leave out second ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*

**Schedule 1, Page 72, Line 27**

Leave out first ‘risk’ and insert ‘consequence’

*Minister of Agriculture and Rural Development*



**Schedule 1, Page 72, Line 27**

Leave out second 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Schedule 2, Page 73, Line 24**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Schedule 2, Page 73, Line 31**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Schedule 2, Page 73, Line 32**

Leave out 'risk' and insert 'consequence'

*Minister of Agriculture and Rural Development*

**Schedule 2, Page 73, Line 37**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development*

**Schedule 2, Page 73, Line 47**

Leave out 'risk' and insert 'reservoir'

*Minister of Agriculture and Rural Development -*

**Schedule 2, Page 74, Line 9**

At end insert -

‘

the Water Appeals Commission

,

| section 118(1)

*Minister of Agriculture and Rural Development*

**Schedule 3**, Page 74, Line 15

Leave out ‘for Northern Ireland’

*Minister of Agriculture and Rural Development*

**Schedule 3**, Page 74, Line 23

Leave out ‘risk’ and insert ‘reservoir’

*Minister of Agriculture and Rural Development*

**Schedule 3**, Page 74, Line 24

At end insert -

- ‘(aa) an appeal (made by virtue of regulations made under section 25A(1) of that Act) against a decision as to whether a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained: frequency of visits by supervising engineer,
- (ab) an appeal (made by virtue of regulations made under section 53(1) of that Act) against a decision as to recovery of costs in relation to a flood plan,
- (ac) an appeal (under section 71A of that Act) against a decision as to recovery of costs under section 65, 67, 69 or 71 of that Act,’

*Minister of Agriculture and Rural Development*