
DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2026 No.**

FLOOD RISK MANAGEMENT

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

Laid before the Assembly in draft

Made - - - -

***** 20****

Coming into operation

***** 20****

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 <Date> <Month> 20**.

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

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	Penalty in relation to offence

to comply with the requirements of section 34(1)(b)	
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	Orders as to costs in relation to an appeal

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

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

Section 114

Fees in relation to appeals

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.