

EXPLANATORY MEMORANDUM TO
The Reservoirs (Visits by Supervising Engineers, Stop Notices and Grants)
Regulations (Northern Ireland) 20**

20 No.*****

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 27(1), 77(1), 114 and 127(4) of the Reservoirs Act (Northern Ireland) 2015 ("the Act") and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. The purpose of these Regulations is to introduce further provisions under the Act in relation to visits by supervising engineers, stop notices and payment of grants.

3. Background

- 3.1. The Act received Royal Assent in July 2015. The purpose of the Act is to introduce a proportionate regulatory framework for the management and maintenance of reservoirs capable of holding 10,000 cubic metres or more of water, in order to protect people, the economy, the environment and cultural heritage from the risk of flooding due to dam failure. These reservoirs are known as controlled reservoirs.
- 3.2. The Act requires the Department to make a number of Regulations to introduce key provisions of the Act and which set out in more detail the procedures for reservoir managers to enable them to comply with the Act. These Regulations include the provisions as below.
- 3.3. Regulations 2 to 4 provides for the frequency of visits by a supervising engineer to a controlled reservoir. The regulations provide for a standard frequency of visits which will apply initially to a controlled reservoir and a different standard frequency of visits which will apply should the Department decide that a controlled reservoir is of an acceptable standard as to how it is being maintained. The documents to be considered and what needs to be contained in the documents for the Department to decide that a reservoir is of an acceptable standard of how it is being maintained is specified in the regulations. It also provides for a right of appeal against the Department's decision and the procedures for an appeal.
- 3.4. Regulations 5 to 14 make provision for the Department to serve a stop notice and specifies the circumstances when a stop notice may be served and the information to be contained in a stop notice. They also provide for the issue of a completion certificate, the circumstances when a reservoir manager may claim compensation as a result of a stop notice being served, the procedures for payment of compensation and right of appeal. Information on offences and penalties for non-compliance, defence for a

reservoir manager against proceedings for an offence as well as the recovery of costs by the Department and the procedures for payment of costs is also provided.

- 3.5. Regulation 15 provides for the Department to introduce a grant for the purposes of assisting reservoir managers to comply with their obligations under the Act. It provides that such a grant must be subject to such terms and conditions as the Department will determine and may include conditions for the repayment in the event of contravention of the terms and conditions.

4. Consultation

- 4.1. The proposals have been subject to a targeted consultation with the relevant key stakeholders and their views, where relevant, have been taken into account in the making of the regulations.

5. Equality Impact

- 5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. A screening exercise has been undertaken and it is considered that a full Equality Impact Assessment is not required. No significant impacts on any section 75 groups were identified.

6. Regulatory Impact

- 6.1. These Regulations do not introduce or amend any policy therefore the Department screened out the need for a Regulatory Impact Assessment.

7. Financial Implications

- 7.1. Regulation 15 provides for the Department to pay grants, as it considers appropriate, to reservoir managers which will have financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This is not a Parity or Replicatory measure.

11. Additional Information

- 11.1. Not applicable.