

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

Commencement Order No. 1 commences the majority sections or part sections (approximately 100) and 3 schedules.

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

Provisions of the Act coming into operation are set out in the table below.

Full Section/Part of Section commencing	Detail	Exact wording from the Act
All of section 3	This section requires the Department to take the adverse consequence and probability of an uncontrolled release of water into account when considering making a structure or area a controlled reservoir by regulation under section 2(3). The process and criteria to be used are the same as that to determine the reservoir designation for a controlled reservoir and detailed in section 22. Subsection (4) requires consultation when making any regulations specifying other matters to be taken into account.	Matters to be taken into account under section 2(3) 3—(1) The matters the Department is required by section 2(3) to take into account are— (a) in so far as it is reasonably practicable to do so, as respects the section 1(a) or (b) structure or area alone or, where water does or could flow between it and any other section 1(a) or (b) structure or area, also any such other structure or area— (i) the potential adverse consequences of an uncontrolled release of water from the structure or area, (ii) the probability of an uncontrolled release of water from the structure or area, (b) such other matters as the Department may, by regulations, provide. (2) For the purposes of subsection (1)(a)(i), potential adverse consequences include the matters specified in paragraphs (a) and (b) of section 22(2) (for the purposes of reservoir designation). (3) The issues the Department may take into account in assessing under subsection (1)(a) the potential adverse consequences or probability of an uncontrolled release of water from a section 1(a) or (b) structure or area include, as regards the structure or area, the issues specified in paragraphs (a) to (e) of section 22(3) and in regulations under section 23 (for the purposes of reservoir designation); and for that purpose the references in those paragraphs of section 22(3) to “the reservoir” are to be construed as references to the section 1(a) or (b) structure or area. (4) Before making regulations under subsection (1)(b), the Department must consult the Institution of Civil Engineers and such other organisations or persons as it considers appropriate.
All of section 4	Subsection (1) enables the Department to make provision by order for a different volume of water to be substituted for the volume threshold for a controlled reservoir, currently specified in the Act. This enables the Department to alter the threshold above which	Controlled reservoirs: further provision 4—(1) The Department may by order substitute a different volume of water for the volume for the time being specified in sections 1, 2(2)(b), 41(3) and (5), 45(3)(a) and 49(3) (b).

	reservoirs are controlled reservoirs and therefore subject to the regulatory regime of the Act. Subsection (2) enables the Department to make provision by regulations to determine how the volume of water capable of being held above the natural level of the surrounding land is to be calculated and the meaning of ‘natural level’ and ‘surrounding land’ for the purposes of the Act. Subsection (3) deals with the consultation process in making the order and the regulations.	(2) The Department may by regulations make provision for the purposes of sections 1, 2, 41, 45 and 49 as to— (a) how the volume of water capable of being held above the natural level of the surrounding land is to be calculated, (b) how “natural level” and “surrounding land” are to be construed. (3) Before making an order under subsection (1) or regulations under subsection (2), the Department must consult— (a) the Institution of Civil Engineers, (b) such other organisations representing engineering or concerned with the practice of water and environmental management as it considers appropriate.
All of section 7	This section applies where there is more than one reservoir manager for a controlled reservoir. Subsection (2) provides that the requirements of the Act apply to each of the reservoir managers separately and any duties of the reservoir manager set out in the Act must be complied with by each of the reservoir managers for a reservoir. To avoid duplication of duties and reduce the administrative burden on reservoir managers, subsection (3) enables reservoir managers to nominate one of the managers to fulfil any requirements of the Act to which they are subject. Subsection (4) provides that a nomination must specify the name, address and contact details of the nominee. Subsection (5) requires that where such a nomination is made, the nominating manager must give notice of the nomination and what it contains to the Department, to any qualified engineer commissioned in relation to the reservoir and to the other reservoir managers for the controlled reservoir. The Department may notify and consult with the nominee (rather than the reservoir	Multiple reservoir managers: supplementary 7—(1) This section applies where by virtue of section 6 there is more than one reservoir manager of a controlled reservoir. (2) The requirements of this Act apply in relation to each of the reservoir managers (whether or not they make a nomination under subsection (3)). (3) Any of the reservoir managers (“the nominating manager”) may nominate another of the reservoir managers (“the nominee”) to do any of the following on behalf of the nominating manager— (a) fulfil any requirements of this Act to which the nominating manager is subject and which are specified in the nomination, (b) exercise any rights the nominating manager has under this Act and which are so specified. (4) A nomination made under subsection (3) must in addition specify the name, postal address and telephone contact details of the nominee. (5) The nominating manager must, not later than 28 days after the date of the nomination, give notice of the nomination and of what it contains to— (a) the Department, (b) each other reservoir manager of the controlled reservoir, (c) any supervising engineer, inspecting engineer, other qualified engineer or

	manager who made the nomination) when required to notify or consult the reservoir managers under the Act. Similarly, engineers commissioned in relation to the reservoir may give certificates and other documents that they are required to issue under the Act to the nominee. Subsection (7) ensures that the nominated representative of the supervising engineer who, if the supervising engineer is unavailable is acting in the place of that engineer, may do the same.	construction engineer commissioned in relation to the reservoir (see Parts 2 and 3). (6) Where a nomination is duly made and notice of it is duly given— (a) the Department may notify and consult the nominee in accordance with the nomination, (b) any supervising engineer, inspecting engineer, other qualified engineer or construction engineer commissioned for the time being in relation to the reservoir may give any notice, report, certificate or other document (required by this Act to be given to the nominating manager) to the nominee in accordance with the nomination. (7) In subsection (6)(b), reference to the "supervising engineer" is to be construed as including the nominated representative of the supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable.
All of section 8	Section 8 requires reservoir managers, where there are two or more of them in respect of a controlled reservoir, to co-operate with each other as far as is necessary to enable all of the reservoir managers for a controlled reservoir to comply with the provisions of this Act. Subsection (2) makes it an offence not to co-operate. Subsection (3) and (4) set out the maximum criminal sanctions associated with that offence. This section applies whether or not a nominee is appointed under section 7.	Duty of multiple reservoir managers to co-operate 8—(1) Where by virtue of section 6 there is more than one reservoir manager of a controlled reservoir, each of the reservoir managers must co-operate with any other reservoir manager of the reservoir (including a nominee under section 7) so far as is necessary to enable the reservoir manager concerned to comply with the requirements to which the manager is subject under this Act. (2) A reservoir manager who fails to comply with subsection (1) commits an offence. (3) A reservoir manager guilty of an offence under subsection (2) 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. (4) A reservoir manager guilty of an offence under that subsection in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
All of section 9	This section requires the Department to establish and maintain a register of controlled reservoirs. The Department will make regulations regarding the	Controlled reservoirs register 9—(1) The Department must establish and maintain a controlled reservoirs register.

	information and documents which will be held in the register and it is envisaged that these may include such information as name and location of the reservoir, its maximum capacity, the name and address of the reservoir manager as well as copies of any reports, certificates etc., relating to the reservoir. Subsection (3) requires the Department to make the register or a copy of it available for public inspection. Subsection (4) enables the Secretary of State to direct the Department to withhold information or documents from the register if inclusion would adversely affect national security.	(2) The controlled reservoirs register is a register containing (subject to subsection (4)), such information and documents in relation to each controlled reservoir as the Department may by regulations specify. (3) The Department must make arrangements for the controlled reservoirs register (or a copy of it) to be available for inspection by any person at all reasonable times. (4) If it appears to the Secretary of State that the inclusion of any information or document in the register would adversely affect national security, the Secretary of State may direct the Department not to include the information or document in the register.
All of section 10	This section requires the reservoir managers of controlled reservoirs to register their reservoirs by providing the Department with information and documents that are to be detailed in regulations. Subsection (3) enables the Department to bring forward regulations to require further information or documents from reservoir managers for maintaining the register.	Reservoir managers' duty to register with the Department 10—(1) The reservoir manager of each controlled reservoir must register the reservoir with the Department in accordance with sections 11 to 13. (2) A reservoir manager of a controlled reservoir registers the reservoir under subsection (1) by providing to the Department such information and documents as the Department may by regulations specify. (3) Regulations under subsection (2) may, in particular, include provision as to— (a) the further information or documents that a reservoir manager of a controlled reservoir must provide to the Department for the purpose of maintenance by it of the controlled reservoirs register, (b) the time by which any such information or document must be provided.
All of section 11	This section requires the reservoir manager to register a controlled reservoir not later than 6 months after the commencement date of section 10 of the Act. Subsection (2) enables the Department, by notice to extend the period of 6 months to such time as it considers appropriate.	Structures or areas which are controlled reservoirs on the relevant date 11—(1) Registration under section 10 of a structure or area which is a controlled reservoir on the relevant date must, subject to subsection (2), take place not later than 6 months after that date. (2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 6 months specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different

		periods may be specified in relation to different information or documents. (3) In this section, and section 12, “the relevant date” means the date of commencement of section 10.
All of section 12	This section requires new controlled reservoirs to be registered within 28 days of the first issue of a preliminary certificate. Preliminary certificates are issued under section 44 of the Act when the construction engineer supervising the construction of the reservoir considers that the reservoir may safely be filled (either wholly or partly) with water. Subsection (2) again enables the Department by notice to extend the period of 28 days to such time as it considers appropriate.	Structures or areas which become controlled reservoirs after the relevant date 12—(1) Registration under section 10 of a structure or area which becomes a controlled reservoir after the relevant date must, subject to subsection (2), take place not later than 28 days after the date on which a preliminary certificate is given in relation to it for the first time (see section 47). (2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 28 days specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different periods may be specified in relation to different information or documents.
All of section 13	This section deals with the registration timeframe for a structure or area which is to be treated as a controlled reservoir due to regulations under section 2(3). The reservoir manager must register the reservoir not later than 28 days after the date of notice (under section 2(4)) by the Department of the making of the regulations. Subsection (2) again enables the Department by notice to extend the period of 28 days to such time as it considers appropriate.	Structures or areas which are the subject of regulations under section 2(3) 13—(1) Registration under section 10 of a structure or area which is to be treated as a controlled reservoir by virtue of regulations made under subsection (3) of section 2 must, subject to subsection (2), take place not later than 28 days after the day on which notice of the making of the regulations is served by the Department under subsection (4) of that section. (2) The Department may, in relation to information or a document where it considers it appropriate to do so, extend the period of 28 days specified in subsection (1) to such other period as it may, by notice served on the reservoir manager, specify; and different periods may be specified in relation to different information or documents.
All of section 15	This section requires a person to notify the Department within 28 days of the date that they cease to be a reservoir manager for a controlled reservoir and provide the name of the person who will be the new reservoir manager. Subsection (2) requires a new reservoir manager to notify the Department and to	Registration: supplementary 15—(1) Where a person ceases to be a reservoir manager of a controlled reservoir, the person must, not later than 28 days after ceasing to be such, give notice to the Department stating— (a) that fact,

	provide the date of the change. Subsection (3) requires the Department, as soon as reasonably practicable, to inform the new reservoir manager of the duties of a reservoir manager under the Act.	(b) the date on which the person ceased to be reservoir manager, (c) the name of any person who has (or will) become a reservoir manager of the controlled reservoir in place of the person, (d) such other information as the Department may specify. (2) A person who becomes a reservoir manager of a controlled reservoir must, not later than 28 days after becoming reservoir manager, give notice to the Department stating— (a) that fact, (b) the date on which the person became reservoir manager, (c) such other information as the Department may specify. (3) Where the Department receives notice under subsection (1) or (2), it must take such steps as it considers are reasonably required to inform the new reservoir manager, as soon as is reasonably practicable, of the duties of reservoir managers of controlled reservoirs under this Act.
All of section 16	This section provides that it is an offence for a reservoir manager to fail to comply with the specified requirements for the registration of a controlled reservoir and in relation to the change of a reservoir manager. Under subsection (2), it is an offence to knowingly or recklessly give false information or document in relation to registration. Subsections (3), and (4), set out the maximum penalties for anyone found guilty of an offence under this section and subsection (5) provides for a defence in relation to an offence in certain circumstances. Subsection (6) ensures that a person does not avoid prosecution merely by ceasing to be a reservoir manager.	Offences: registration 16—(1) Failure by a reservoir manager of a controlled reservoir to comply with any of the following requirements relating to registration is an offence— (a) the requirements of section 10 (including those of regulations made under subsection (2) of that section) (registering controlled reservoir with Department in accordance with sections 11 to 13), (b) the requirements of section 15(1) or (2) (notice of change of reservoir manager). (2) A reservoir manager who, in relation to any requirement referred to in subsection (1), knowingly or recklessly gives any information or document which is false or misleading in a material respect commits an offence. (3) A reservoir manager guilty of an offence under subsection (1) or (2) 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. (4) A reservoir manager guilty of an offence under either of those subsections in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

		(5) It is a defence to a charge in proceedings for an offence under subsection (1) that the person did not know and could not reasonably be expected to have known that the person was the reservoir manager of a controlled reservoir to whom the requirement concerned applied. (6) References in this section to a reservoir manager or the reservoir manager are to be construed, in relation to an offence of failing to comply with the requirements of section 15(1), as including a person who has ceased to be a reservoir manager.
All of section 17	The Act introduces a consequence-based approach to the management of controlled reservoirs with different regulatory requirements for reservoirs with different consequence categories. Section 17 requires the Department to give a reservoir designation as soon as reasonably practicable after the registration of a controlled reservoir. Subsection (2) establishes the reservoir designation categories for a controlled reservoir as high, medium or low consequence. Subsection (3) requires the Department to take into account the matters mentioned in section 22 when giving a reservoir designation. The matters are the potential consequences of an uncontrolled release of water from the reservoir and the probability of such a release. Subsection (4) provides for the Department to give notice of the reservoir designation to a reservoir manager and details the information to be provided in the notice.	Giving a reservoir designation 17—(1) The Department must, as soon as is reasonably practicable after registering a controlled reservoir in the controlled reservoirs register, give the reservoir a reservoir designation. (2) A reservoir designation is a designation of the controlled reservoir by the Department as one of the following categories— (a) a high-consequence reservoir, (b) a medium-consequence reservoir, (c) a low-consequence reservoir. (3) In giving a reservoir designation, the Department must, in so far as it is reasonably practicable to do so, take into account the matters mentioned in section 22. (4) The Department gives a controlled reservoir a reservoir designation by notice served on the reservoir manager of the reservoir— (a) specifying the reservoir designation it has given the reservoir, (b) specifying the reasons for its decision, (c) specifying the date on which the designation takes effect, (d) giving information about the right under section 20 to apply for a review by the Department of its decision, the procedure for making such an application and the period within which an application may be made, (e) specifying that the reservoir designation which is the subject of an application continues to have effect pending a decision being made in the review.

All of section 18	The Department must undertake a periodic re-assessment of the reservoir designation, taking into account the matters mentioned in section 22 and must either confirm or give the reservoir a different designation. Subsection (3) details the timeframes within which a periodic re-assessment must be undertaken. Generally a periodic re-assessment would be undertaken not later than 10 years from the date of the first designation or the latest periodic re-assessment. Subsection (4) requires the Department to give notice to the reservoir manager of its decision - either it confirms the designation or gives a different reservoir designation. The information to be specified in the notice is listed. The notice must provide the reservoir manager with the reason for the Department's decision, information about the right to seek review of the decision; and it must advise that the designation continues to have effect pending a decision being reached in a review.	Periodic re-assessment of reservoir designations 18—(1) The Department must carry out periodic re-assessments of reservoir designations in accordance with this section. (2) In carrying out a periodic re-assessment of a reservoir designation in accordance with this section the Department must, having taken into account the matters mentioned in section 22 in so far as it is reasonably practicable to do so, either— 'a) confirm the designation, or 'b) give the controlled reservoir a reservoir designation as one of the other categories referred to in paragraphs (a) to (c) of section 17(2) (for the purposes of this Act "a different designation"). (3) A periodic re-assessment of the reservoir designation of a controlled reservoir must be carried out at the following times— 'a) at any time the Department considers the designation may have ceased to be appropriate, 'b) in any event, not later than 10 years from whichever is the latest of the following— (i) the date on which notice of the designation was served under section 17(4), (ii) the date on which notice of the decision in a periodic re-assessment of the designation was served under subsection (4), (iii) the date on which notice of the decision in a review in respect of the designation was served under section 20(6), (iv) the date on which notice of the decision in an appeal in respect of the designation was given under section 21. (4) The Department confirms the designation, or gives the controlled reservoir a different designation, by notice served on the reservoir manager of the reservoir— 'a) specifying whether it confirms the designation or gives the reservoir a different designation, 'b) where it gives the reservoir a different designation, specifying the different designation and the date on which it takes effect, 'c) specifying the reasons for its decision, 'd) giving information about the right under section 20 to apply for a review by the Department of its decision, the procedure for making such an application and the period within which an application may be made, 'e) specifying that the reservoir designation which is the subject of an application continues to have effect pending a decision being made in the review.
All of section 19	The notice giving a reservoir designation for the first time under section 17 or a notice giving a different designation under section 18 takes effect on the day after the notice is served. Subsection (2) provides that the first reservoir designation for a controlled reservoir being constructed or restored to use takes effect the day after the date of the final certificate in respect of the works. Subsection (3) provides that where a different designation is given after a periodic reassessment for a controlled reservoir being increased or decreased in capacity, the different	Date on which reservoir designation given under section 17 or given as different designation under section 18 takes effect 19—(1) A reservoir designation— (a) given under section 17, (b) given as a different designation on a periodic re-assessment under section 18, subject to subsections (2) and (3), takes effect on the day after the date on which notice of the designation is served by the Department on the reservoir manager under the section concerned. (2) Where a reservoir designation is given under section 17 in relation to a controlled reservoir which is being constructed or restored to use (within the meaning of Part 3), the

	designation notice takes effect on the day after the date of the final certificate in respect of the works.	designation takes effect on the day after the date of the final certificate in respect of those works. (Section 49 makes provision about final certificates.) (3) Where a reservoir designation is given (as a different designation) under section 18 in relation to a controlled reservoir which is subject to alteration for the purpose of increasing or decreasing the capacity of the reservoir, the different designation takes effect on the day after the date of the final certificate in respect of those works.
All of section 20	Section 20 enables reservoir managers to apply for a review of the Department's decision on reservoir designations made under section 17 or 18. Subsection (2) requires an application for review to be in writing and to be made within 90 days beginning with the date on which the notice of the reservoir designation was served. Subsection (3) details the information that the Department must take into account when considering a review and enables the Department to commission a civil engineer who is a member of a panel established under section 102 who in accordance with an order made under that section may be commissioned under section 20 in relation to the reservoir concerned ("an appropriate panel engineer") or other person, to make recommendations regarding the designation. Subsection (4) makes it explicit that the reservoir designation continues to apply until the review is complete and subsection (5) provides that, if the review results in the designation being changed, then the previous designation ceases to apply from the date of the Department's decision and the different designation takes effect on the day after the date of the notice of the decision. Subsection (6) requires the Department to notify the reservoir manager of its decision in a review and details	Review by Department of its decision under section 17 or 18 20—(1) A reservoir manager of a controlled reservoir on whom notice is served under section 17(4) or 18(4) may apply to the Department for a review by it of its decision under section 17 or 18. (2) An application must be made in writing before the end of the period of 90 days beginning with the date on which the notice was served. (3) In considering an application under this section, the Department— (a) may commission to make recommendations to it about the reservoir designation either (or both)— (i) 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 under this section in relation to the reservoir, (ii) such other person as the Department considers appropriate, (b) must take into account— (i) a recommendation by an engineer or other person commissioned by it under paragraph (a), (ii) in so far as it is reasonably practicable to do so, the matters mentioned in section 22, (iii) any representations made to it by or on behalf of the reservoir manager in relation to the application. (4) A reservoir designation in respect of which an application is made under this section continues to have effect pending a decision being made in the review. (5) Where as a result of the review the Department gives the controlled reservoir a different designation, the designation which is the subject of the review ceases to have effect from the date on which the Department gives its decision; and the different designation takes effect on the day after the date on which notice is served under subsection (6). (6) The Department must notify the reservoir manager of its decision in the review by serving on the reservoir manager notice — (a) specifying whether it confirms the designation or gives the reservoir a different designation, (b) where it gives the reservoir a different designation, specifying the different designation and the date on which it takes effect, (c) specifying the reasons for its decision, (d) giving information about the right of appeal under section 21 against its decision, the procedure for making an appeal and the period within which an appeal may be made, (e) specifying that the designation which is the subject of an appeal continues to have effect pending a decision being made in the appeal. (7) The Department may by regulations make further provision in relation to applications and reviews under this section.

	the content of the notice. Subsection (7) provides a power to make regulations which would contain more detailed provision in relation to applications and reviews, for example as to the information to be provided by an applicant, the procedure in a review.	
All of section 21	Reservoir managers have a right of appeal against the decision in a review of a reservoir designation given by the Department. The appeal must be made to the Water Appeals Commission within 60 days of the date on which the notice specifying the decision in a review was served. Subsection (3) specifies the grounds for appeal and subsection (4) provides that the Commission may confirm the reservoir designation or give the reservoir a different designation. Subsection (5) details the matters and the representations the Commission must take into account when considering an appeal. Subsection (6) makes it explicit that the reservoir designation continues to apply until the appeal is decided and subsection (7) provides that, if an appeal results in the designation being changed, then the previous designation ceases to apply from the date of the appeal decision and the new reservoir designation takes effect on the day after the date of the notice of the Commission's decision.	Appeal against Department's decision in a review under section 20 21—(1) A reservoir manager of a controlled reservoir on whom notice of the Department's decision in a review under section 20 is served may appeal to the Water Appeals Commission against the decision on one or more of the grounds mentioned in subsection (3). (2) Any such appeal must be made in writing before the end of the period of 60 days beginning with the date on which the notice under section 20(6) was served. (3) The grounds referred to in subsection (1) are that— (a) the decision was based on an error of fact, (b) the decision was wrong in law, (c) the decision was unreasonable. (4) The Commission may confirm the reservoir designation or give the reservoir a different designation. (5) A decision in an appeal under this section must take into account— (a) in so far as it is reasonably practicable to do so, the matters mentioned in section 22, (b) any representations made in relation to the appeal by or on behalf of— (i) the reservoir manager, (ii) the Department. (6) A reservoir designation in respect of which an appeal is made under this section continues to have effect pending a decision being made in the appeal. (7) Where the decision in the appeal is that the controlled reservoir is given a different designation, the designation which is the subject of the appeal ceases to have effect from the date on which the appeal is determined; and the different designation takes effect on the day after the date on which notice is given under subsection (8). (8) Notice by the Commission to the reservoir manager and the Department of the Commission's decision in the appeal must specify— (a) whether the Commission confirms the reservoir designation or gives the reservoir a different designation, (b) where the Commission gives the reservoir a different designation, the different designation and the date on which it takes effect, (c) the reasons for the decision.
All of section 22	Section 22 details the matters that must be taken into account in making a reservoir designation for the first time, in undertaking a periodic re-assessment and in reviewing a reservoir designation. These matters must	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a) 22—(1) The matters required by sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a) to be taken into account in so far as it is reasonably practicable to do so, are—

	also be considered in an appeal of the reservoir designation. The matters to be taken into account are the potential adverse consequences of an uncontrolled release of water from the reservoir and the probability of such a release of water. Subsection (2) sets out examples of the potential adverse consequences and subsection (3) sets out the issues that may be taken into account when assessing the adverse consequences or the probability of an uncontrolled release of water from a controlled reservoir. These issues include the purpose for which the reservoir is used, the materials used and how the reservoir was constructed, the age, condition and maintenance of the reservoir.	(a) the potential adverse consequences of an uncontrolled release of water from the controlled reservoir, (b) the probability of such a release. (2) The potential adverse consequences of an uncontrolled release of water from a controlled reservoir include— (a) potential damage to any of the following— (i) human life or human health (as the Department considers appropriate in the circumstances), (ii) the environment, (iii) economic activity, (iv) cultural heritage, (b) such other potential damage as the Department considers relevant. (3) Issues that may be taken into account in assessing under subsection (1) the potential adverse consequences or probability of an uncontrolled release of water from a controlled reservoir include any of the following— (a) the purpose for which the reservoir is (or is to be) used, (b) the materials used to construct the reservoir, (c) the way in which the reservoir was or is being constructed, (d) the age and condition of the reservoir and how it has been maintained, (e) such other issues as the Department considers relevant.
All of section 23	This section enables the Department, following consultation with the Institution of Civil Engineers and others, by regulations to make further provision as to the matters that may be taken into account when giving a reservoir designation, re-assessment of a designation, review of a designation and appeal against a designation. The regulations may, in particular, make provision as regards a methodology for assessing the probability of an uncontrolled	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision 23—(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

	release of water from a reservoir, when the Department is satisfied that an appropriate methodology exists. The regulations may also make further provisions as regards the matters to be taken into account under section 22(1) and amend references in this Act to high consequence, medium consequence and low consequence reservoir designation.	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.
All of section 24	This section makes it clear that the terms high consequence, medium consequence and low consequence, in relation to a controlled reservoir, refer to the designation of a reservoir. The reader is alerted to the significance of a controlled reservoir’s reservoir designation as this determines the management and maintenance requirements.	High-consequence reservoirs, medium-consequence reservoirs and low-consequence reservoirs: further provision 24 References in this Act to a “high-consequence reservoir”, “medium-consequence reservoir” or “low-consequence reservoir” are references to a controlled reservoir designated as such for the time being under section 17, 18, 20 or 21.
Part of section 25	Section 25 requires a high or medium consequence reservoir to be under the supervision of a supervising engineer at all times i.e. on an ongoing basis. A supervising engineer must be commissioned within 6 months of the reservoir designation taking effect and a reservoir manager is required to give notice to the Department within 28 days of the commissioning. A supervising engineer must be an appropriate panel engineer. Unlike other reservoir engineers under the Act, there is nothing to prevent a supervising engineer being an employee of the reservoir manager or having previously been a construction engineer or inspecting engineer in relation to the reservoir.	(3) A “supervising engineer” is an engineer duly commissioned under subsection (2) to supervise the reservoir, at all times, in accordance with section 26.

	A supervising engineer remains in place alongside the construction engineer when a high or medium consequence reservoir is undergoing alteration (work for which provision is made in part 3). This is to ensure that the safety of the reservoir continues to be monitored where appropriate and in particular the matters included in a safety report, prepared by the construction engineer, are monitored until a final certificate is issued. Commencement Order No. 1 commences section 25(3).	
Part of section 26	Section 26 sets out the key aspects of supervision by commissioned supervising engineers. Commencement Order No. 1 commences section 26(10) for the purposes of sections 26 and 35 only. Subsection (10) provides that references to the term ‘the supervising engineer’ in this section and sections 27 to 31, 35 and 37 are to be construed as including a nominated representative who is acting in place of the supervising engineer if that engineer is unavailable. This ensures that, while the nominated representative is acting in place of the supervising engineer, the Act’s provisions in relation to a supervising engineer are to be read as if they referred to the nominated representative.	(10) In this section and sections 27 to 31, 35 and 37, references to “the supervising engineer” are references to the engineer duly commissioned for the time being as such under section 25 in relation to the reservoir and are to be construed as including a nominated representative of the supervising engineer under subsection (7)(a) who is acting as such in the event of the supervising engineer being unavailable.
Part of section 30	Section 30 is in relation to inspection timings.	Inspection timing: general requirements 30—(1) Subject to subsection (2) and sections 31 and 32, the reservoir manager of a

	Commencement Order No. 1 commences section 30(1) which requires the reservoir manager of a high or medium consequence reservoir to have an inspection of the reservoir carried out before the end of one year from the date on which its first reservoir designation takes effect, (“the relevant date” defined in subsection (6) of section 31).	high-consequence or medium-consequence reservoir must secure that it is inspected by an inspecting engineer before the end of the period of one year beginning with the date on which the designation of the reservoir as such takes effect (see sections 19, 20(5) and 21(7)).
	Section 30(5) provides the definition of an inspecting engineer. Commencement Order No. 1 commences 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.	(5) An “inspecting engineer” is an engineer duly commissioned under section 34 to inspect a high-consequence or medium-consequence reservoir when required by this section or section 31 or 32 or to supervise the taking of a measure referred to in section 34(1)(b).
Part of section 31	The first special case is where a reservoir manager of a high or medium consequence reservoir has had an inspection of the reservoir undertaken prior to the Act being commenced and the Department is satisfied that the report is a pre-commencement inspection report. Subsection (6) defines what is meant by “the relevant date”. Commencement Order No. 1 commences 31(1) and (6).	Inspection timing: reservoir subject to pre-commencement inspection report 31—(1) Subject to subsection (5) and section 32, section 30(1) does not apply where— (a) a high-consequence or medium-consequence reservoir is the subject of a pre-commencement inspection report (see section 33(1)), (b) the Department is satisfied that— (i) the report contains a recommendation as to when (or by when) the next inspection of the reservoir should take place, (ii) the recommended next inspection would be due after the relevant date and within a period not exceeding 10 years from the date of the inspection to which the report relates. (6) In this section, and sections 33 and 35, “the relevant date” means the date on which the designation of the controlled reservoir concerned as a high-consequence or medium-consequence reservoir takes effect.
All of section 32	The second special case is where a construction engineer is to be commissioned to supervise relevant works for the construction or alteration of a high or	Inspection timing: other qualifications 32—(1) Where a construction engineer is required by section 43 to be commissioned to supervise relevant works for the purpose of a high-consequence or medium-consequence

	medium consequence reservoir. The construction engineer also supervises the safety of the reservoir (section 43(3)). Where a reservoir is being discontinued or abandoned, any inspection which is due under section 30 or 31 is not required as it ceases to be a controlled reservoir on completion of the works i.e. when the final certificate is issued (subsection (1)). Where a controlled reservoir is being constructed or altered (without being discontinued or abandoned), any inspection due under section 30 or 31 is not required; and instead inspection must be within 2 years from the date of the final certificate or at an earlier time, if recommended in the final certificate (subsection (2)).	reservoir being discontinued or abandoned (within the meaning of Part 3) (see sections 41 and 42), any inspection which at the date of the commissioning is due by virtue of section 30 or 31 is not required. (2) Where a construction engineer is required by section 43 to be commissioned to supervise relevant works for the purpose of a high-consequence or medium-consequence reservoir being constructed or subject to alteration (but not for the purpose of it being discontinued or abandoned) (within the meaning of Part 3)— (a) any inspection which at the date of the commissioning is due by virtue of section 30 or 31 is not required, (b) the reservoir manager must secure instead that the reservoir is inspected by an inspecting engineer either— (i) before the end of the period of 2 years beginning with the date of the final certificate for the relevant works, or (ii) at such earlier time as may be recommended in the final certificate (in accordance with section 49(2)(b)).
All of section 33	A reservoir manager who has had an inspection of a high or medium consequence reservoir undertaken prior to the commencement of the Reservoirs Act may give the document relating to the inspection to the Department, for the Department to consider whether it is ‘a pre-commencement inspection report’. This would give it status under the Act, some aspects of which have been covered in section 31. Subsection (1) details the matters about which the Department must be satisfied for a document to be considered by it as a pre-commencement inspection report. The matters are that the inspection must have been undertaken and the document prepared by a civil engineer who was a member of a panel of civil engineers established under section 4(1) of the Reservoirs Act 1975, that the report was prepared sufficiently in accordance with criteria applied in relation to an inspection under section 10 of	Pre-commencement inspection report 33—(1) A “pre-commencement inspection report” is a document, provided to the Department by the reservoir manager of a high-consequence or medium-consequence reservoir and in respect of which the Department is satisfied as to the following matters— (a) that it was prepared by a civil engineer who, at the time of the inspection to which it relates and throughout the preparation and completion of the document, was a member of such panel of civil engineers constituted under section 4(1) of the 1975 Act as the Department considers appropriate, (b) that it was prepared sufficiently in accordance with criteria that would have fallen to be applied in relation to an inspection under section 10 of that Act of a reservoir that was subject to that section, (c) that it is about an inspection of the reservoir which was carried out before the relevant date, but not more than 8 years before that date. (2) The Department must, as soon as is reasonably practicable after receiving a document under subsection (1) and, where it considers it appropriate to do so after consulting an engineer commissioned by it under this subsection, decide whether or not it is satisfied that the document is a pre-commencement inspection report. (3) An engineer may be commissioned under subsection (2) if the engineer— (a) 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 under this section in relation to the reservoir, (b) is not disqualified by virtue of subsection (4) from being so commissioned in relation to the reservoir. (4) An engineer is disqualified from being commissioned under subsection (2) in relation to a high-consequence or medium-consequence reservoir if the engineer— (a) is an employee of any person who is a reservoir manager of the reservoir, (b) prepared the document provided in pursuance of subsection (1).

	the 1975 Act and that, the inspection was carried out not more than 8 years before the relevant date. (The definition of “the relevant date” in section 31(6) applies, namely the date on which the reservoir concerned was first designated as high or medium consequence). Subsection (2) requires the Department as soon as reasonably practicable to decide whether or not it is satisfied a document is a pre-commencement inspection report. Where the Department considers it appropriate it may consult an appropriate panel engineer to assist in the decision making process. Subsection (4) sets out the criteria which disqualify an engineer from being consulted by the Department in relation to making its decision. Subsection (5) requires the Department to give notice to the reservoir manager of its decision and sets out the contents of the notice. Subsection (6) introduces Schedule 1, which makes provision in relation to a review of the Department’s decision.	(5) The Department must serve on the reservoir manager notice— (a) specifying its decision under subsection (2), (b) where its decision is that the document is not a pre-commencement inspection report, specifying the reasons for the decision, (c) giving information about the right under Schedule 1 to apply for a review by the Department of its decision under subsection (2), the procedure for making such an application and the period within which an application may be made. (6) Schedule 1 makes provision in relation to review of a decision under subsection (2).
Part of section 34	Section 34 relates to commissioning of an inspecting engineer to undertake inspection. Commencement Order No. 1 commences Section 34(1)(a), (2), (4) and (5). Section 34(1)(a) requires reservoir managers of high or medium consequence reservoirs (which are not being supervised by a construction engineer) to commission an inspecting engineer to undertake an inspection as required by sections 30, 31 or 32. Subsection (2) requires the reservoir manager to notify the	Commissioning of inspecting engineer etc. 34—(1) The reservoir manager of a high-consequence or medium-consequence reservoir must commission an inspecting engineer— (a) to inspect the reservoir when inspection of it is required by section 30, 31 or 32, (2) The reservoir manager must, not later than 28 days after the commissioning, give notice of it to the Department. (4) An engineer may be commissioned as an inspecting engineer if the engineer— (a) 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 under this section as an inspecting engineer in relation to the reservoir,

	Department within 28 days of the commission of an inspecting engineer. Subsection (4) requires an inspecting engineer to be an appropriate panel engineer. Inspecting engineers are intended to have a degree of independence from the commissioning reservoir manager. Subsection (5) sets out the criteria disqualifying an engineer from being commissioned in relation to a particular reservoir; these include that the engineer is employed by the reservoir manager or has previously been a construction engineer for the reservoir.	(b) is not disqualified by virtue of subsection (5) from being so commissioned in relation to the reservoir. (5) An engineer is disqualified from being commissioned as an inspecting engineer in relation to a high-consequence or medium-consequence reservoir if the engineer— (a) is an employee of any person who is a reservoir manager of the reservoir, (b) has previously been a construction engineer in relation to the reservoir.
Part of section 35	Section 35 requires the inspecting engineer commissioned by the reservoir manager to inspect the reservoir and to give the reservoir manager an inspection report not later than 6 months from the date of the inspection. Subsection (4)(a) requires the inspection report to specify any measures including maintenance measures the inspecting engineer considers should be taken in the interests of safety and direct that the measures be taken. Subsection (4)(b) allows for the inclusion of matters the inspecting engineer considers relevant to the maintenance of the reservoir be included as recommendations. The inspection report should include any of the measures which were not undertaken from the previous report or the reason why they are not included in the current report. Subsection (4)(e) requires the inspecting engineer to direct the reservoir manager in the inspection report as regards any measure to be undertaken in the interest of safety, whether an inspecting or other qualified	Duties etc. in relation to inspection 35—(1) An inspecting engineer must— (a) inspect the reservoir, (b) give the reservoir manager, not later than 6 months after the completion of the inspection, an inspection report prepared in accordance with this section. (4) The inspection report— (a) must— (i) specify any measure the inspecting engineer considers should be taken in the interests of the safety of the reservoir (including any such measure for the maintenance of the reservoir), (ii) direct the reservoir manager to ensure that the measure is taken, (b) may— (i) specify any matter that the inspecting engineer considers relevant to the maintenance of the reservoir (but in relation to which the engineer does not specify a measure (as to safety) under paragraph (a)), (ii) include any recommendation as regards the matter, (e) must direct the reservoir manager to ensure that any measure which both—

	engineer should supervise the taking of the measure and the timescale for completing the directions. Subsection (4)(f) requires the report to direct measures in relation to maintenance to be supervised by a supervising engineer. Subsection (4)(g) and (h) require inspection reports to specify any matters that should be monitored by the supervising engineer and the timing of the next inspection. Subsection (5) requires the inspecting engineer to give a copy of the report to the Department and the supervising engineer within 28 days of giving it to the reservoir manager. Commencement Order No. 1 commences section 35(1), (4)(a), (b), (e), (f), (g) and (h), (5)(a), (6)(a) and (c) and (7).	(i) is specified in the inspection report as a measure that should be taken in the interests of the safety of the reservoir; and (ii) is not a measure for its maintenance, is taken under the supervision of the inspecting engineer or, where permitted (by section 36(2)(a)) the other qualified engineer, and within the period of time specified in the inspection report, (f) must direct the reservoir manager to ensure that any measure which both— (i) is specified in the inspection report as a measure that should be taken in the interests of the safety of the reservoir; and (ii) is a measure for its maintenance, is monitored by the supervising engineer, (g) must specify any other matter that the inspecting engineer recommends should be monitored by the supervising engineer until the next inspection, (h) must specify when the inspecting engineer recommends the next inspection of the reservoir should take place, (5) An inspecting engineer must, not later than 28 days after giving an inspection report under this section, give a copy of it to— (a) the Department, (6) In this section and section 36— (a) references to “the inspecting engineer” are references to the engineer duly commissioned for the time being as such under section 34 in relation to the reservoir, (c) references to “the reservoir manager” are references to the reservoir manager of the reservoir which is being inspected. (7) In this Act, references to “the other qualified engineer”, “any other qualified engineer” or “other qualified engineer” are references to any engineer duly commissioned for the time being as such under section 36(2)(a) in relation to the reservoir; and references to “other qualified engineers” are to be construed accordingly.
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Part of section 38	Commencement Order No. 1 commences section 38(1)(e), except in relation to the requirements of section 34(1)(b).	Offences: supervision, inspection, record keeping 38—(1) Failure by a reservoir manager of a high-consequence or medium-consequence reservoir to comply with any of the following requirements under this Part is an offence— (e) the requirements of section 30, 31, 32 or 34(1)(a) or (b) (securing required inspections and supervision by inspecting engineer and commissioning of inspecting engineer),
	Commencement Order No.1 also commences section 38(2)(c). This makes it an offence without a reasonable excuse to fail to comply with section 34(2) – notice to Department of commissioning of inspecting engineer.	(2) A reservoir manager of a high-consequence or medium-consequence reservoir who fails, without reasonable excuse, to comply with any of the following requirements under this Part commits an offence— (c) the requirements of section 34(2) (notice to Department of commissioning of inspecting engineer),
	Section 38(3) sets out the maximum criminal sanctions of anyone committing an offence under this section. Commencement Order No. 1 commences 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).	(3) A reservoir manager guilty of an offence under subsection (1) or (2)— (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.
	Commencement Order No. 1 also commences section 38(3) in relation to an offence under section 38(2)(c).	
All of section 41	Part 3 regulates the construction or alteration of controlled reservoirs by imposing a requirement upon reservoir managers to appoint a construction engineer to supervise the relevant works and by imposing a system of reporting and certification in respect of the works. This part applies to all controlled reservoirs regardless of their consequence category.	Application of Part 3 etc. 41—(1) This Part applies where a controlled reservoir is to be constructed or subject to alteration. (2) Subsections (3) to (7) have effect for the purposes of this Part. (3) Any work for the purpose of restoring an existing structure or area (which has previously at any time been capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land) so that it is capable of so holding such amount of water is to be treated as construction of a controlled reservoir. (4) Alteration of a controlled reservoir includes— (a) any work for the purpose of increasing or decreasing the capacity of a controlled reservoir, (b) any other work in relation to a controlled reservoir (including work which the Department is satisfied might affect its

	Section 41 sets out the works that are to be treated as construction or alteration of a controlled reservoir for the purposes of the Act. These include new construction, restoration to use, alteration to capacity, discontinuance (i.e. reducing the capacity to below 10,000 cubic metres above the natural level of any part of the surrounding land) and abandonment (i.e. rendering a reservoir incapable of holding water above the natural level of any part of the surrounding land). There is no requirement to commission a construction engineer unless such works are being undertaken at a reservoir.	safety) which the Department may by regulations specify. (5) Alteration of a controlled reservoir amounts to discontinuance of a controlled reservoir where the alteration is for the purpose of making the reservoir incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land (but still capable of holding water above the natural level of any part of the land). (6) Alteration of a controlled reservoir amounts to abandonment of a controlled reservoir where the alteration is for the purpose of making the reservoir incapable of filling with water above the natural level of any part of the surrounding land. (7) Any reference to— (a) a controlled reservoir being constructed or subject to alteration is to be construed in accordance with this section, (b) a controlled reservoir being restored to use is to be construed as a reference to a controlled reservoir being constructed as mentioned in subsection (3), (c) a controlled reservoir being discontinued is to be construed as a reference to a controlled reservoir being subject to an alteration for the purpose referred to in subsection (5), (d) a controlled reservoir being abandoned is to be construed as a reference to a controlled reservoir being subject to an alteration for the purpose referred to in subsection (6).
All of section 43	This section requires reservoir managers of controlled reservoirs which are to be subject to relevant works to commission a construction engineer to supervise the relevant works and the safety of the reservoir. Not later than 28 days before the works commence the reservoir manager must give the Department notice of the proposed works and notice of the construction engineer's commission. A construction engineer must be an appropriate panel engineer, and is required to supervise the relevant works and the safety of the reservoir until a copy of the final certificate issued in respect of the works is given to the reservoir manager and copied to the Department in respect of the works. The persons listed in subsection (5) are disqualified from being commissioned as a construction engineer in relation to a particular reservoir.	Notice to Department and commissioning of construction engineer 43—(1) The reservoir manager of a controlled reservoir which is to be subject to relevant works must, not later than 28 days before the proposed relevant works begin, give notice to the Department of the proposed works. (2) The reservoir manager must, not later than 28 days before the proposed relevant works begin— (a) commission a construction engineer, (b) give notice to the Department of the commissioning. (3) A "construction engineer" is an engineer duly commissioned under this section to supervise the relevant works and the safety of the reservoir until a copy of the final certificate issued in respect of the works is given to the Department in accordance with section 49(8). (4) An engineer may be commissioned as a construction engineer if the engineer— (a) 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 under this section in relation to the reservoir, (b) is not disqualified by virtue of subsection (5) from being commissioned as a construction engineer in relation to the reservoir. (5) An engineer is disqualified from being commissioned as a construction engineer in relation to the reservoir if the engineer— (a) is an employee of any person who is a reservoir manager of the reservoir, (b) has previously been an inspecting engineer in relation to the reservoir. (6) In sections 44 to 51— (a) references to "the construction engineer" are references to the engineer duly commissioned for the time being as such under this section in respect of the relevant works, (b) references to "the reservoir manager" are references to the reservoir manager of the controlled reservoir which is the subject of the relevant works.
All of section 44	Section 44 requires the construction engineer to supervise the relevant works and the safety of the	Supervision of relevant works and reservoir safety by construction engineer 44—(1) The construction engineer must supervise the relevant works and the safety of

	reservoir until a copy of the final certificate issued in respect of the works is given to the Department. Subsection (2) requires the engineer to inspect the reservoir, design the construction or alteration and prepare and provide the reservoir manager with safety reports, as appropriate. Subsection (4) requires the construction engineer to provide the Department with a copy of a safety report within 28 days of issuing it.	the controlled reservoir in accordance with this section until a copy of the final certificate issued in respect of the works is given to the Department in accordance with section 49(8). (2) The engineer must— (a) inspect the reservoir, (b) design any construction or alteration, (c) give the reservoir manager a safety report prepared in accordance with section 45, (d) give the reservoir manager such further safety reports prepared in accordance with that section as the engineer considers appropriate. (3) A safety report— (a) given under subsection (2)(c) must be given as soon as is reasonably practicable after the construction engineer is commissioned, (b) given under subsection (2)(d) must be given as soon as is reasonably practicable after the construction engineer considers it appropriate to give the report. (4) A construction engineer must, not later than 28 days after giving a safety report under this section, give the Department a copy of it.
All of section 45	Section 45 sets out the information which must be included in a safety report. In particular the safety report must include such measures to secure the safety of the reservoir, depending on the nature of the construction or alteration being undertaken as the construction engineer considers necessary.	Safety report 45—(1) A safety report must— (a) specify any measure the construction engineer considers is necessary in the interests of the safety of the controlled reservoir, (b) direct the reservoir manager to ensure that any measure specified in the report is taken under the supervision of the construction engineer and within the period of time specified in the report, (c) where the reservoir manager is required to commission a supervising engineer, specify any matter that the construction engineer considers should be monitored by the supervising engineer until a final certificate is issued in respect of the relevant works, (d) include such other matters as the Department may by regulations specify. (2) Where a controlled reservoir— (a) is being constructed or restored to use, (b) is subject to alteration other than for the purposes of discontinuance or abandonment, 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. (3) Where a controlled reservoir is being discontinued, the measures must include in particular any measures the construction engineer considers are necessary to secure both— (a) 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

		(b) since the resulting structure or area will still be capable of holding water above that natural level, that it may safely be used for the collection and storage of water. (4) Where a controlled reservoir is being 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.
All of section 46	This section requires reservoir managers to comply with any direction in a safety report given to the reservoir manager. Subsection (2) requires the engineer to issue a safety measure certificate to the reservoir manager within 28 days of being satisfied that a measure directed in the safety report has been taken. Subsection (3) specifies the requirements of a safety measure certificate. Subsection (4) requires the construction engineer to give the Department a copy of the safety measure certificate no later than 28 days after issuing it.	Safety report: compliance 46—(1) The reservoir manager of a controlled reservoir must (subject to section 61) ensure that any direction in a safety report given to the manager under section 44 is complied with. (2) The construction engineer must, not later than 28 days after being satisfied that each measure directed in the safety report has been taken, give the reservoir manager a safety measure certificate. (3) A safety measure certificate must specify— (a) the safety report to which it relates, (b) the measure taken, (c) any measure that has yet to be taken, (d) any measure that the construction engineer considers need no longer be taken. (4) A construction engineer must, not later than 28 days after giving a safety measure certificate under subsection (2), give the Department a copy of it.
All of section 47	This section requires the construction engineer to issue a preliminary certificate when the engineer considers that the reservoir that is subject to relevant works may be safely wholly or partially filled with water or (in the case of a reservoir which already contains water) that the level of water should be reduced. A preliminary certificate must specify a level that the water in the reservoir must not exceed, require the reservoir manager to ensure that the level of the water remains below that level and specify any other requirements that the engineer considers appropriate about the manner in which the water level may be	Preliminary certificate 47—(1) Where the construction engineer is satisfied that the reservoir may safely be filled (wholly or partially) with water or that the level of water should be reduced, the engineer must, as soon as is reasonably practicable after being so satisfied, give the reservoir manager a preliminary certificate. (2) A preliminary certificate must— (a) specify a level (the “specified level”) that water in the reservoir must not exceed, (b) require the reservoir manager to ensure that the level of water does not exceed the specified level, (c) specify any requirement the engineer considers is appropriate as to the manner in which the level of water in the reservoir may be increased or decreased.

	increased or decreased. The reservoir manager of a controlled reservoir must comply with the requirements of any preliminary certificate for the time being applicable to the reservoir. Subsection (3) requires the construction engineer to give a copy of the preliminary certificate to the Department within 28 days of issuing it. Subsection (4) sets out that the most recent preliminary certificate issued supersedes any previous preliminary certificates applicable to the reservoir in respect of those works. Subsection (5) sets out that a preliminary certificate ceases to have effect when the final certificate applicable to the reservoir in respect of the works is issued.	(3) A construction engineer must, not later than 28 days after giving a preliminary certificate, give the Department a copy of it. (4) A subsequent preliminary certificate applicable to the reservoir replaces any previous preliminary certificate applicable to the reservoir in respect of the relevant works. (5) A preliminary certificate ceases to have effect on the issue of the final certificate applicable to the reservoir in respect of those works.
All of section 48	This section requires the issue of a construction certificate by the construction engineer as soon as reasonably practicable, after he or she is satisfied that the relevant works have been completed to a satisfactory standard. Subsection (2) requires the construction certificate to be issued before or not later than the final certificate. Subsection (3) requires the construction certificate to certify that the relevant works have been undertaken satisfactorily in accordance with the drawings and other specified information included along with the certificate. Subsection (4) requires the construction engineer to give the Department a copy of the certificate within 28 days of issuing it.	Construction certificate 48—(1) The construction engineer must give the reservoir manager a construction certificate as soon as is reasonably practicable after being satisfied that the relevant works have been completed to a satisfactory standard. (2) The construction certificate must in any event be issued not later than the final certificate in respect of the relevant works. (3) A construction certificate must— (a) include an annex containing 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, (b) include such other information as the Department may by regulations specify, (c) certify that the relevant works have been executed satisfactorily in accordance with the drawings and descriptions included in the annex to the certificate. (4) The construction engineer must, not later than 28 days after giving a construction certificate, give the Department a copy of it (including any annex to it).

All of section 49	Where a controlled reservoir is being constructed or altered, except where it is being discontinued or abandoned, subsection (1) requires the construction engineer to issue a final certificate within 28 days of being satisfied that the reservoir is sound and satisfactory and may be used safely for the collection and storage of water. Where the final certificate relates to a high or medium consequence reservoir and the construction engineer considers that an early inspection is required, subsection (2)(b) requires the final certificate to state when an early inspection should take place. Subsection (2)(c) requires the final certificate to specify any matter that the construction engineer considers should be monitored by the supervising engineer until the first or next inspection of the reservoir is undertaken. Subsection (2)(d) requires the final certificate to impose requirements (as specified in subsection (7)) that the water level must not exceed the level specified in the certificate, that the reservoir manager must ensure that the specified level is not exceeded and any other requirements the engineer considers appropriate as to the manner in which water levels may be increased or decreased. Subsection (3) requires the construction engineer of a controlled reservoir which is being discontinued, to issue a final certificate to the reservoir manager within 28 days of being satisfied that the discontinuance has been safely completed, 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 that the resulting structure or	Final certificate 49—(1) Where the relevant works have involved the controlled reservoir being constructed or subject to alteration but not discontinued or abandoned, the construction engineer must give the reservoir manager a final certificate not later than 28 days after being satisfied that the reservoir is sound and satisfactory and may safely be used for the collection and storage of water. (2) A final certificate given under subsection (1)— (a) must state that the engineer considers the reservoir is sound and satisfactory and may safely be used for the collection and storage of water, (b) where the reservoir is a high-consequence or medium-consequence reservoir and the construction engineer considers that there should be an early inspection of the reservoir, must state when the engineer recommends the inspection should take place, (c) where the reservoir is a high-consequence or medium-consequence reservoir, must specify any matter the construction engineer considers should be monitored, until the first or next inspection of the reservoir under this Act, by the supervising engineer for the time being commissioned in relation to the reservoir under section 25, (d) must impose the requirements mentioned in subsection (7). (3) Where the relevant works have involved the controlled reservoir being discontinued, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied— (a) that the discontinuance has been safely completed, (b) 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, (c) that the resulting structure or area is sound and satisfactory and may safely be used for the collection and storage of water. (4) A final certificate given under subsection (3) must— (a) state that the construction engineer is satisfied as to the matters referred to in paragraphs (a) to (c) of that subsection, (b) impose the requirements mentioned in subsection (7). (5) Where the relevant works have involved the controlled reservoir being abandoned, the construction engineer must give the reservoir manager a final certificate, not later than 28 days after being satisfied— (a) that the abandonment has been safely completed, (b) that the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land. (6) A final certificate issued under subsection (5) must state that the engineer is satisfied as to the matters referred to in paragraphs (a) and (b) of that subsection. (7) The requirements referred to in subsection (2)(d) and (4)(b) are— (a) that water in the reservoir must not exceed a level specified in the certificate (the "specified level"), (b) that the reservoir manager must ensure that the level of water does not exceed the specified level, (c) any requirements the construction engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased. (8) The construction engineer must, not later than 28 days after issuing a final certificate, give the Department a copy of the certificate. (9) If a final certificate is not issued by the end of the period of 5 years beginning with the date of the first preliminary certificate, the construction engineer must— (a) not later than 28 days after the expiry of the 5 year period, give the reservoir manager a written statement of the
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	area is sound and satisfactory and may safely be used for the collection and storage of water. A final certificate, on discontinuance, must state that the construction engineer is satisfied as to all these matters and must also specify any requirements the construction engineer considers appropriate as regards water levels in the reservoir. Subsection (5) deals with a reservoir being abandoned; the construction engineer must issue a final certificate to the reservoir manager within 28 days of being satisfied that the abandonment has been safely completed and that the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land. Subsection (6) requires that the final certificate must state that the construction engineer is satisfied as to all of these matters. Subsection (8) requires the construction engineer to give the Department a copy of the final certificate within 28 days of issuing it. If a final certificate has not been issued within 5 years of the issue of the preliminary certificate, subsection (9) requires the construction engineer to give the reservoir manager a written explanation of the reasons why within 28 days of the expiry of the 5 year period. Subsection (9)(b) requires the construction engineer to give the reservoir manager a written explanation of the reasons at 12 months intervals thereafter, until the final certificate is issued. Subsection (9)(c) requires the construction engineer to send each of the written statements to the Department within 28 days of giving them.	reasons, (b) at intervals of not more than 12 months thereafter until the final certificate is issued, give the reservoir manager subsequent written statements of the reasons, (c) not later than 28 days after any such statement is given, give the Department a copy of the statement.
All of section 50	Section 50 requires reservoir managers to comply with the requirements of any preliminary and final	Preliminary and final certificates: compliance 50 The reservoir manager of a controlled reservoir must (subject to section 62) ensure

	certificates applicable to the controlled reservoir at the time.	that the requirements of any preliminary certificate or final certificate for the time being applicable to the reservoir are complied with.
All of section 51	This section specifies that the obligation of a reservoir manager to have a construction engineer on commission in respect of the relevant works and the safety of a reservoir comes to an end when the engineer gives a copy of the final certificate to the Department in accordance with section 49(8).	Termination of supervision by construction engineer 51 The obligation of the reservoir manager to commission a construction engineer to supervise the relevant works and the safety of the controlled reservoir terminates when the construction engineer gives a copy of the final certificate issued by the engineer in respect of the works to the Department in accordance with section 49(8).
All of section 52	Section 52 subsection (1) makes it an offence to fail to comply with sections 43(2)(a), (commissioning of a construction engineer). Subsection (2) makes it an offence without reasonable excuse to fail to comply with sections 43(1) (notice of proposed works to the Department) and 43(2)(b) (notice of commissioning a construction engineer to the Department). Subsection (3) set out the maximum criminal sanctions of anyone committing an offence under subsection (1) or (2).	Offences: construction or alteration 52—(1) Failure by a reservoir manager of a controlled reservoir to comply with the requirements in section 43(2)(a) (commissioning of construction engineer) is an offence. (2) A reservoir manager of a controlled reservoir who fails, without reasonable excuse, to comply with any of the following requirements under this Part commits an offence— (a) the requirements in section 43(1) (notice to the Department of proposed relevant works), (b) the requirements in section 43(2)(b) (notice to Department of commissioning of construction engineer). (3) A reservoir manager guilty of an offence under subsection (1) or (2)— (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 any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
All of section 53	Section 53 makes it an offence to fail to comply without lawful excuse with section 45(1) (ensure compliance with direction in safety report as to taking of safety measure) and section 49 (ensuring compliance with preliminary or final certificate). Subsection (2) sets out the maximum criminal sanctions for anyone committing an offence under subsection (1). Subsection (3) advises that section 74	Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate 53—(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 46(1) (ensuring compliance with direction in safety report as to taking of safety measure), (b) the requirements in section 50 (ensuring compliance with preliminary certificate or final certificate).

	makes further remedies available on conviction of an offence in relation to non compliance with a direction in a safety report.	(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 74 makes provision as to further remedies available on conviction of an offence referred to in subsection (1)(a).
All of section 54	Section 54 sets out certain defences to the offences of failure to comply with a direction in a safety report or non compliance with a preliminary or final certificate.	Defences: offences under section 53(1) 54 It is a defence to a charge in proceedings under section 53(1) for the person to show both— (a) that the failure to comply with the requirements concerned was as a result of 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 person— (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.
All of section 55	Section 55 sets out transitional arrangements for the Act to apply to controlled reservoirs already under construction or alteration when the Act is commenced. Part 3 and sections 67 to 69 (related enforcement powers of the Department) apply except that the reservoir manager must notify the Department of the relevant works, appoint a construction engineer, and notify the Department of that appointment all within 28 days of the commencement of section 43. Subsection (3) enables the Department to extend the	Controlled reservoirs subject to relevant works on the commencement date 55—(1) This section applies in relation to a controlled reservoir which is, on the commencement date, subject to relevant works. (2) This Part, and sections 67 to 69 (in Part 6), apply on and after the commencement date in relation to any such controlled reservoir subject to the following modifications— (a) notice to the Department under section 43(1) of the relevant works must be given not later than 28 days after the commencement date, (b) a construction engineer must be commissioned under section 43(2)(a) not later than 28 days after the commencement date,

	periods for notifying the Department of the relevant works and the commissioning of a construction engineer.	(c) notice to the Department under section 43(2)(b) of the commissioning must be given not later than 28 days after the commissioning. (3) The Department may, in relation to any such controlled reservoir where it considers it appropriate to do so, extend the period of 28 days specified in subsection (2)(a) and (b) to such other period as it may, by notice served on the reservoir manager, specify. (4) In this section, “the commencement date” means the date of commencement of section 43.
All of section 58	This section requires reservoir managers of controlled reservoirs to maintain a record of relevant documents. Subsection (4) lists the documents which must be kept. For low consequence reservoirs in particular, information regarding repairs is to be included in the record and regulations will provide for the form in which such information is to be recorded (subsection (3)).	Maintenance of records 58—(1) The reservoir manager of a controlled reservoir must maintain a record of relevant documents. (2) The record must include all of the relevant documents. (Sections 37 and 38 make provision as regards other records to be maintained by the reservoir managers of high-consequence and medium-consequence reservoirs and associated offences.) (3) Where the reservoir is a low-consequence reservoir, the record must in addition contain information about repairs to the reservoir in such form as the Department may by regulations require. (4) The relevant documents are— (a) any of the following which is given to the reservoir manager (or copied to the manager pursuant to section 70)— (i) a safety report, safety measure certificate, preliminary certificate, construction certificate or final certificate, (ii) a pre-commencement inspection report or an inspection report, interim inspection compliance certificate or inspection compliance certificate, (iii) a notice under section 26(2)(a) or (g), recommendation under section 26(3) or statement under section 26(5) (by a supervising engineer), (b) any flood plan currently applicable in respect of the reservoir which has been produced in respect of it in pursuance of regulations made under section 57.
All of section 59	This section requires reservoir managers of controlled reservoirs to ensure that emergency response information is displayed at or near the reservoir.	Display of emergency response information 59—(1) The reservoir manager of a controlled reservoir must ensure that emergency response information is displayed at or near the reservoir.

	Subsection (2) enables the Department to make provision in regulations about the information which must be displayed. Subsection (3) lists the information, which in particular, may be specified in the regulations under subsection (2). Subsection (4) enables the Department to give directions to reservoir managers of controlled reservoirs as to the manner and location of the information to be displayed. Subsection (6) requires the reservoir manager to comply with any such directions from the Department.	(2) Emergency response information is such information about the reservoir and the reservoir manager as may be specified by regulations by the Department. (3) The information that may be specified under subsection (2) includes in particular— (a) the name of the reservoir (if any), (b) any registration number in the controlled reservoirs register in respect of the reservoir, (c) the reservoir manager's name and address and information for the purpose of enabling a person to contact the reservoir manager in the event of an emergency, (d) where the reservoir is a high-consequence reservoir or medium-consequence reservoir, information for the purpose of enabling a person to contact the Department in the event of an emergency. (4) The Department may by notice served on reservoir managers of controlled reservoirs give them directions to as to— (a) the manner in which emergency response information is to be displayed, (b) each location at which it is to be displayed. (5) Directions under subsection (4) may be general or specific. (6) The reservoir manager of a controlled reservoir must comply with any direction by the Department under subsection (4).
Part of section 60	Commencement Order No. 1 commences section 60(1)(c) and 60(3) so far as it relates to failure to comply with requirements of section 58. Section 60(1)(c) makes it an offence, without reasonable excuse, to fail to comply with the requirements of section 58 (maintenance of records). Subsection (3) sets out the maximum criminal sanctions of anyone committing an offence under this section.	Offences under Part 4 60—(1) A person who fails, without reasonable excuse, to comply with any of the following requirements under this Part commits an offence— (c) the requirements of section 58 (maintenance of records), (3) A person 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 any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

All of section 61	Part 5 provides for a form of arbitration between reservoir managers and construction or inspecting engineers. If a reservoir manager disagrees with a direction in a safety report or inspection report or the recommendation as to the next inspection the manager can challenge the direction or recommendation by referring it to a referee. Subsection (3) suspends any direction or recommendation which is challenged until the reference is determined by the referee or withdrawn by the reservoir manager.	Referral to referee: directions in safety report or inspection report 61—(1) This section applies where— (a) a safety report contains a direction by a construction engineer, (b) an inspection report contains a direction by an inspecting engineer referred to in— (i) section 35(4)(a)(ii) (to ensure taking of measure in interests of safety of reservoir), (ii) section 35(4)(e) of that section (to ensure supervision by an inspecting engineer or other qualified engineer of taking of certain measures), (iii) section 35(4)(f) of that section (to ensure monitoring by supervising engineer of taking of certain measures), (c) an inspection report contains a recommendation by an inspecting engineer as to when the next inspection of the reservoir should take place. (2) The reservoir manager to whom the report is given may challenge the direction, or recommendation, by referring it to a referee in accordance with regulations made under section 66(1). (3) Where a referral is made under subsection (2), the direction or recommendation is suspended until the reference has been determined or withdrawn.
All of section 62	This section enables reservoir managers to challenge certain matters in preliminary or final certificates. Subsection (2) lists the matters which may be challenged under this section. Subsection (3) suspends any matter challenged under this section until the reference is determined by the referee or withdrawn by the reservoir manager.	Referral to referee: requirements in preliminary certificate or final certificate 62—(1) The reservoir manager to whom a preliminary certificate or final certificate is given may challenge any of the matters mentioned in subsection (2) by referring it to a referee in accordance with regulations made under section 66(1). (2) The matters are— (a) the level of water specified in the preliminary certificate in accordance with section 47(2)(a), (b) any requirement specified in the preliminary certificate in accordance with section 47(2)(c) (manner of increasing or decreasing level of water), (c) any recommendation contained in the final certificate in accordance with section 49(2)(b) (as to when next inspection of reservoir should take place), (d) any matter specified in the final certificate in accordance with section 49(2)(c) (monitoring of matters by supervising engineer),

		(e) any requirement imposed in the final certificate in accordance with section 49(7)(a) or (c) (maximum level and manner of increasing or decreasing level of water). (3) Where a referral is made under subsection (1), the matter referred is suspended until the reference has been determined or withdrawn.
All of section 63	This section requires referees to be commissioned by agreement between the reservoir manager and the relevant engineer or, where no agreement can be reached, by the Institution of Civil Engineers. Subsection (2) enables engineers to be commissioned as referees if they are appropriate panel members and are not disqualified from being commissioned under this section in relation to the reservoir concerned. Subsection (3) lists the circumstances where an engineer would be disqualified.	Commissioning of referee 63—(1) The referee must be an engineer commissioned under this section either— (a) by agreement between the reservoir manager and the relevant engineer, or (b) where no agreement is reached, by the Institution of Civil Engineers. (2) An engineer may be commissioned as a referee if the engineer— (a) 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 under this section in relation to the reservoir, (b) is not disqualified by virtue of subsection (3) from being commissioned under this section in relation to the reservoir concerned. (3) An engineer is disqualified from being commissioned under this section in relation to the reservoir if the engineer— (a) is, or has previously been, an employee of any person who is, or has previously been, a reservoir manager of the reservoir, (b) has previously been an inspecting engineer or a construction engineer in relation to the reservoir, (c) is connected (as a partner, employer, employee or fellow employee in a civil engineering business) with a person who has previously been an inspecting engineer or a construction engineer in relation to the reservoir. (4) In this section and sections 64 and 65, “the relevant engineer” means the inspecting engineer or construction engineer who gave the direction or recommended, specified or imposed the matter which is the subject of the referral.
All of section 64	This section enables the referee to modify the direction or recommendation subject to a referral under section 61(2). If the referee does so, subsection (3) requires the referee also to modify the report, any	Powers of referee: referral under section 61(2) 64—(1) This section applies where a referral is made under section 61(2). (2) The referee may make such modifications (if any) as the referee considers appropriate to the direction or recommendation. (3) Where the referee makes any such modification, the referee

	safety measure certificate or interim inspection compliance certificate which contains the direction or recommendation. Subsections (4) and (5) requires the referee to give the reservoir manager and the relevant engineer a referral certificate containing his or her decision, along with any modified report or certificate within 28 days of making the decision. Subsection (5)(c) requires the referee to give a copy of the referral certificate and any modified report or certificate to the Department within 28 days of the decision. Any direction, recommendation, report or certificate has the effect as modified by the referee (subsection (6)).	(a) must modify the report which contains the direction or recommendation, (b) where the report is a safety report, must make any necessary modification to any safety measure certificate given in relation to the report, (c) where the report is an inspection report and the referral was made in respect of a direction in it as to ensuring the taking of a measure in the interests of the safety of the reservoir, must make any necessary modification to any interim inspection compliance certificate given in relation to the report. (4) The referee must take the steps mentioned in subsection (5) not later than 28 days after making a decision under subsection (2). (5) The steps are— (a) to give the reservoir manager and the relevant engineer a certificate (a “referral certificate”) stating— (i) whether the referee has modified the report, (ii) any modification made, (b) where the referee has modified the report or any safety measure certificate or interim inspection compliance certificate, to give the reservoir manager and the relevant engineer a copy of the modified report and any such modified certificate, (c) to give the Department a copy of the referral certificate and any modified report and any such modified safety measure certificate or interim inspection compliance certificate. (6) A direction, recommendation, report, safety measure certificate or interim inspection compliance certificate modified under this section has effect as so modified. (7) In subsection (3)(b) and (c), “any necessary modification” means any modification the referee considers is necessary in relation to any measure specified in the certificate as a measure yet to be taken.
All of section 65	This section enables the referee to modify the matters subject to a referral under section 62(1) (certain matters in a preliminary or final certificate). Subsection (3) requires the referee to modify the certificate if any modifications to the matters are considered appropriate. Again the referee must give the reservoir manager and the relevant engineer a referral certificate containing his or her decision, along with any modified preliminary or final certificate within 28 days of making the decision. The referee must also give a copy of the referral certificate and any modified certificate to the Department within 28 days of the decision. A preliminary or final certificate modified by a referee has effect in its modified form.	Powers of referee: referral under section 62(1) 65—(1) This section applies where a referral is made under section 62(1). (2) The referee may make such modifications (if any) as the referee considers appropriate to the matter referred. (3) Where the referee makes any such modification, the referee must modify the certificate which contains the matter. (4) The referee must take the steps mentioned in subsection (5) not later than 28 days after making a decision under subsection (2). (5) The steps are— (a) to give the reservoir manager and the relevant engineer a certificate (a “referral certificate”) stating— (i) whether the referee has modified the certificate, (ii) any modification made,

		(b) where the referee has modified the certificate, to give the reservoir manager and the relevant engineer a copy of the modified certificate, (c) to give the Department a copy of the referral certificate and any modified preliminary certificate or final certificate. (6) A preliminary certificate or final certificate modified under this section has effect as so modified.
All of section 66	This section enables the Department to make provision by regulations as to the time, manner and procedure of referrals and costs of the proceedings and investigations (including the remuneration of the referee). The default position is that the costs are to be paid by the reservoir manager who makes the referral subject to the provisions of regulations under subsection (1).	Procedure etc. 66—(1) Regulations by the Department may make provision as to— (a) the time within which a referee may be commissioned under section 63, (b) the time within which a request to the Institution of Civil Engineers for the commissioning of a referee under that section may be made, (c) the procedure (including the manner) of the request, (d) the procedure in a referral before a referee, (e) the costs of the investigation and proceedings (including the remuneration of the referee). (2) Subject to the provisions of regulations under subsection (1), the costs of any investigation and proceedings (including the remuneration of the referee) are to be paid by the reservoir manager who makes the referral.
Part of section 67	Section 67 enables the Department to serve an enforcement notice requiring the reservoir manager to commission a supervising, inspecting or construction engineer within 28 days and to notify the Department of that commission. Commencement Order No. 1 commences section 67(1)(b) and (c), (2) and (3).	Enforcement notice: commissioning of engineers 67—(1) This section applies in relation to a controlled reservoir where it appears to the Department that— (b) the reservoir manager is required by section 34(1) to commission an inspecting engineer, but no inspecting engineer is for the time being commissioned, (c) the reservoir manager is required by section 43(2)(a) to commission a construction engineer, but no construction engineer is for the time being commissioned. (2) The Department may by notice (“the notice”) served on the reservoir manager of the reservoir require the manager— (a) to commission the relevant engineer before the end of the period of 28 days beginning with the day on which the notice is given (unless the reservoir manager

		has already commissioned the relevant engineer), (b) before the expiry of such period as is specified in the notice, to give notice to the Department of the commissioning (whether it was made before or after the notice was given). (3) In subsection (2)(a) and sections 69 and 70, “the relevant engineer” is a supervising engineer, an inspecting engineer or (as appropriate) a construction engineer.
Part of section 68	Section 68 makes it an offence not to comply with such an enforcement notice. Subsection (2) sets out the maximum criminal sanctions of anyone committing an offence under this section. Commencement Order No. 1 commences section 68 in so far as it concerns the commissioning of an inspecting or construction engineer.	Offence: failure to comply with notice under section 67(2) 68—(1) Failure to comply with the requirements of a notice by the Department under the following sections is an offence— (a) section 67(2)(a) (requirement to commission supervising engineer, inspecting engineer or construction engineer), (b) section 67(2)(b) (notice to Department of commissioning). (2) A reservoir manager guilty of an offence under subsection (1)(a) or (b) 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.
Part of section 69	When a reservoir manager has not complied with a notice served under section 67 (requiring the commissioning of an engineer), section 69 enables the Department to commission the engineer. Subsection (4) enables the Department, if it considers it appropriate, by notice, to require the reservoir manager to pay the Department such amount of associated costs reasonably incurred. Subject to right of appeal (section 76) the reservoir manager must pay any costs so incurred and specified in the notice (subsection (5)). Commencement Order No. 1 commences section 69 in so far as it concerns the	Commissioning of engineer by Department 69—(1) The Department may commission a relevant engineer where— (a) it has by notice under section 67(2) required a reservoir manager to do so, (b) the reservoir manager has failed to do so. (2) Any commissioning of a relevant engineer under this section is to be treated for the purposes of this Act as if the commissioning were by the reservoir manager under section 25(2), 34(1) or 43(2)(a). (3) The commissioning of a relevant engineer under this section— (a) has no effect if the reservoir manager has already commissioned a relevant engineer,

	commissioning of an inspecting or construction engineer.	(b) terminates with effect from the date of the subsequent commissioning of a relevant engineer by the reservoir manager. (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 76, the reservoir manager must pay the amount of any costs so incurred and specified in such notice.
Part of section 70	Section 70 applies when the Department has commissioned a relevant engineer under section 69. Any notices, reports, recommendations, statements, or certificates are to be first given to the Department by the relevant engineer and subsequently copied to the reservoir manager within 28 days. Commencement Order No. 1 commences section 70(b) and (c).	Commissioning by the Department: engineers' reports, certificates, recommendations etc. 70 Where the Department commissions a relevant engineer under section 69, the following are to be given to the Department (instead of being given to the reservoir manager) and copied to the reservoir manager, not later than 28 days after being given to the Department— (b) where the relevant engineer is an inspecting engineer, any inspection report, interim inspection compliance certificate or inspection compliance certificate by the inspecting engineer, (c) where the relevant engineer is a construction engineer, any safety report, safety measure certificate, preliminary certificate, construction certificate or final certificate by the construction engineer.
Part of section 74	Section 74 applies where a manager has committed an offence through failure to comply with a direction in an inspection report, a pre-commencement safety recommendation or a direction in a safety report. The court may, in addition to or instead of imposing any penalty under section 39, or 53, order the reservoir manager to comply with the steps specified in the order and within such timeframe. Subsection (3) enables the court to extend the period for undertaking such work. Commencement Order No. 1 commences section 74 in relation to an offence under section 53(1)(a).	Offence under section 39(1) or 53(1)(a): further remedies 74—(1) This section applies where a reservoir manager is convicted of an offence under— (a) section 39(1) (failure to ensure compliance with direction in inspection report or pre-commencement safety recommendation), (b) section 53(1)(a) (failure to comply with direction in safety report). (2) The court may, in addition to or instead of imposing any penalty that may be imposed under section 39(2) or 53(2) order the reservoir manager to take such steps as may be specified in the order, before the expiry of such period as is so specified— (a) to secure compliance with the direction or recommendation concerned, (b) to secure the remedying or mitigating of the effects of the failure to comply with the

		direction or recommendation. (3) The court may— (a) on an application made before the end of the period specified under subsection (2), by order extend the period to such extended period as is specified in the order, (b) on an application made before the end of the extended period, by order further extend the period to such further extended period as is specified in the order, (c) by order grant further extensions of the latest period specified by it by order under paragraph (b), on an application made before the end of the latest period.
All of section 75	This section enables the Department to take emergency action to protect people or property against an escape of water from a controlled reservoir that may cause harm. Subsection (2) enables the Department to take any emergency action to prevent such an event or to limit its effects. Subsection (3) requires the Department to commission an appropriate panel engineer to make recommendations regarding measures to be taken and to supervise the taking of the measures. The Department must notify the reservoir manager of the measures to be taken, or which have been taken. Subsections (7) enables the Department, if it considers it appropriate, by notice require the reservoir manager to pay the Department all or part of any associated costs reasonably incurred in the exercise of its powers under this section. Subject to right of appeal (section 76) the reservoir manager must pay any costs so incurred and specified in the notice.	Emergency powers 75—(1) This section applies where it appears to the Department that immediate action is needed to protect persons or property against an escape of water from a controlled reservoir (whether or no: the reservoir is in use). (2) The Department may take any measures that it considers necessary— (a) to remove or reduce the risk to persons or property, (b) to mitigate the effect of an escape of water. (3) The Department must— (a) commission an engineer to make recommendations about any measures to be taken under this section, (b) arrange for the measures to be taken under the supervision of the commissioned engineer. (4) An engineer may be commissioned under this section if the engineer 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 under this section in relation to the reservoir. (5) The Department must serve notice on the reservoir manager of the measures to be taken under this section. (6) Notice under subsection (5)— (a) must be served as soon as is reasonably practicable (which may be after any works have begun), but (b) is not required if the Department is unable after reasonable enquiry to ascertain the name and address of the reservoir manager and the works have commenced. (7) 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 relation to the exercise of its powers under this section as is specified in the notice. (8) Subject to section 76, the reservoir manager must pay the Department the amount of any costs so incurred and specified in such notice.
Part of section 76	Section 76 provides a reservoir manger with a right of appeal regarding the Department's decision to recover costs that it has incurred when; commissioning an engineer, issuing an enforcement notice, the taking of safety measures, or taking emergency powers action.	Recovery of costs under section 69, 71, 73 or 75: appeal 76—(1) A reservoir manager required by virtue of notice served by the Department under section 69(4), 71(6), 73(6) or 75(7) to pay the Department's costs referred to in the section may appeal to the Water Appeals Commission against—

	The reservoir manager may appeal to the Water Appeals Commission against the Department's decision to require the manager to pay the costs and the decision as to the amount of costs. Subsection (2) provides the Commission with power to confirm quash or vary the Department's decision. Commencement Order No. 1 commences section 76 as regards costs in relation to the commissioning of an inspecting or construction engineer under section 69 or costs under section 75.	(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.
All of section 77	This section gives the Department the powers to make regulations to permit the serving of a stop notice on a reservoir manager. Subsection (2) requires the Department to consult in accordance with section 90 prior to making regulations. Subsection (3) defines a stop notice 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. Subsection (4) indicates the circumstances in which a stop notice may be issued and subsection (5) lists the conditions the Department must meet before exercising its power under the regulations.	Stop notices 77—(1) The Department may by regulations make provision as to the serving by it of stop notices on reservoir managers of controlled reservoirs. (2) Before making regulations under subsection (1), the Department must consult in accordance with section 90. (3) A stop notice is a notice prohibiting 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, (b) permitting the carrying on by another of an activity so specified. (4) Regulations under subsection (1) may confer power to serve a stop notice only in relation to a case where either— (a) the 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 this Act, or (b) the Department considers that the reservoir manager is likely to carry on, or permit the carrying on of, the activity and that the activity as likely to be so 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 this Act. (5) Where the regulations confer power to serve a stop notice in a case where the Department reasonably considers as is specified in subsection (4)(a)(i) or (b)(i) (risk to safety)— (a) the Department must, before it exercises the 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 under this section in relation to the reservoir, (ii) take into account any recommendation made by the engineer about the stop notice, (b) the steps specified in any such stop notice (in pursuance of subsection (3)) must be steps to remove or reduce the risk referred to in subsection (4)(a)(i) or (b)(i). (6) For the purposes of this section, permission includes acquiescence; and references to "permitting" and "permit" are to be construed accordingly.

All of section 78	This section provides that regulations made under section 77(1) must secure the results in subsection (2) as to the content and procedure in relation to stop notices. Subsection (3) specifies what information must be provided in any stop notice. Subsection (4) and (5) specify circumstances in which the reservoir manager is entitled to appeal to the Water Appeals Commission against a stop notice and a completion certificate respectively as well as a power securing that the Commission may confirm, quash or vary the Department's decision to issue a stop notice.	Stop notices: content and procedure 78—(1) Regulations made under section 77(1) must secure the results in subsection (2) in a case where a stop notice is served. (2) The results are that— (a) the stop notice must include information as to the matters specified in subsection (3), (b) the reservoir manager on whom the notice is served may appeal to the Water Appeals Commission against the decision to serve it, (c) where, after serving the stop notice, the Department is satisfied that the manager has taken the steps specified in the notice, the Department must give a certificate to that effect (a "completion certificate"), (d) the stop notice ceases to have effect on the giving of a completion certificate, (e) the reservoir manager on whom the stop notice is served may at any time apply for a completion certificate, (f) the Department must make a decision as to whether to give a completion certificate before the end of the period of 14 days beginning with the day on which the application for the certificate is made, (g) the reservoir manager on whom the stop notice is served may appeal to the Water Appeals Commission against a decision not to give a completion certificate, (h) a stop notice in respect of which an appeal referred to in paragraph (b) or (g) is made continues to have effect pending a decision being made in the appeal. (3) The matters referred to in subsection (2)(a) are— (a) the grounds for serving the stop notice, (b) rights of appeal, (c) the consequences of non-compliance with the stop notice. (4) Provision pursuant to subsection (2)(b) must— (a) secure that the grounds on which a reservoir manager may appeal against a decision of the Department to serve a stop notice include that— (i) the decision was based on an error of fact, (ii) the decision was wrong in law, (iii) the decision was unreasonable, (iv) any step specified in the notice is unreasonable, (b) secure that the Commission may confirm, quash or vary the decision. (5) Provision pursuant to subsection (2)(g) must— (a) secure that the grounds on which a reservoir manager may appeal against a decision of the Department not to give a completion certificate include that— (i) the decision was based on an error of fact, (ii) the decision was wrong in law, (iii) the decision was unreasonable, (b) secure that the Commission may confirm or quash the decision.
All of section 79	This section provides that regulations made under section 77(1) must make provision for financial	Stop notices: compensation 79 Provision under section 77(1)—

	compensation to be paid to a reservoir manager for loss suffered as a result of the serving of a stop notice. Regulations must specify the circumstances in which compensation must be paid and a right of appeal as to the Department's decision not to pay compensation and the amount of compensation to the Water Appeals Commission as well as a power securing that the Commission may confirm, quash or vary the Department's decision.	(a) must include provision for the Department to compensate the reservoir manager for loss suffered as the result of the serving of the stop notice, (b) may provide for compensation only— (i) in cases specified by the regulations, (ii) in relation to descriptions of loss so specified, (c) must secure that the reservoir manager on whom the stop notice is served may appeal to the Water Appeals Commission against the following— (i) a decision of the Department not to award compensation, (ii) a decision of the Department as to the amount of the compensation, (d) must secure that the Commission may confirm, quash or vary the decision.
All of section 80	Regulations made under section 77(1) may make it an offence to fail to comply with a stop notice. A defence must be as set out in subsection (2). The maximum penalty that the regulations may create is set out in subsection (1).	Stop notices: enforcement 80—(1) Regulations under section 77(1) may provide that, where a reservoir manager on whom a stop notice is served does not comply with it, the 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. (2) Regulations made under section 77(1) must provide that it is a defence to a charge in proceedings for an offence created by the regulations for the person 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 person— (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.
Part of section 90	This section requires the Department to consult relevant bodies before invoking its powers to provide, by regulations, for stop notices, enforcement undertakings, fixed monetary penalties and variable monetary penalties. Commencement Order No. 1 commences section 90(1)(a) in relation to stop notices. Subsection (2) sets out the organisations and persons that must be consulted. Commencement Order No. 1 commences section 90(2).	Consultation in relation to regulations under sections 77(1), 81(1), 83(1) and 86(1) 90—(1) The consultation required by sections— (a) 77(2) (stop notices), is consultation with the organisations and persons mentioned in subsection (2). (2) The persons are— (a) such organisations as appear to the Department to be representative of persons substantially affected by the making of the proposed regulations, (b) such other persons as the Department considers appropriate.
Part of section 91	Commencement Order No. 1 commences section 91 in relation to regulations under section 77(1). Regulations made under section 77(1) (stop notices) may make provision for the Department to reclaim from the reservoir manager concerned costs reasonably incurred. Subsection (2) clarifies what kind of costs these may be. The regulations would have to give the reservoir manager a right of appeal to the Water Appeals Commission against the Department's decision to reclaim costs and the amount of costs as well as provide a power to secure the Commission	Recovery by the Department of certain costs 91—(1) Regulations under section 77(1), 81(1) or 86(1) may include provision for the Department, by notice served on a reservoir manager on whom a stop notice is served, from whom an enforcement undertaking is accepted or on whom a variable monetary penalty is imposed, to require the reservoir manager 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 notice, acceptance of the undertaking or imposition of the penalty. (2) In subsection (1), the reference to "costs" includes in particular— (a) investigation costs, (b) administration costs, (c) costs of obtaining expert advice, including legal advice.

	may confirm, quash or vary the Department's decision.	(3) Provision pursuant to subsection (1) must— (a) secure that the reservoir manager required to pay the costs may appeal to the Water Appeals Commission against the following— (i) the Department's decision to impose the requirement to pay costs, (ii) the Department's decision as to the amount of the costs, (b) secure that the Commission may confirm, quash or vary the decision.
Part of section 98	Section 98 requires the reservoir manager to provide any relevant engineer with reasonable facilities in connection with the engineer's functions under this Act. Subsection (2) requires reservoir managers to make their records and other information or particulars available in the form, manner or timing specified by the engineer. Subsection (3) lists the types of engineers who are 'relevant engineers'. Commencement Order No. 1 commences 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 98—(1) The reservoir manager of a controlled reservoir must, on being requested by a relevant engineer, provide the engineer with all reasonable facilities the engineer may seek in connection with the exercise of the engineer's powers and duties under this Act. (2) The reservoir manager— (a) must, on being requested by a relevant engineer, make available to the engineer— (i) where the reservoir is a high-consequence reservoir or a medium-consequence reservoir, the record maintained by the manager under section 37, (ii) the record maintained by the manager under section 58, (b) must on being so requested provide a relevant engineer with such further information or particulars as the engineer may require, in such form and manner and by such time as the engineer may by notice require. (3) For the purposes of this section, a "relevant engineer" 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), an inspecting engineer, any other qualified engineer or a construction engineer commissioned for the time being in relation to the reservoir.
All of section 99	This section requires the reservoir manager of a controlled reservoir to provide the Department with such information and assistance reasonably sought in connection with the Department's functions under the Act. Subsection (2) requires the reservoir manager to make records available on request or such further information or particulars to be provided to the	Power of the Department to require information and assistance from reservoir managers 99—(1) The reservoir manager of a controlled reservoir must, on being requested by the Department, provide the Department with such information and assistance as it may reasonably seek in connection with the exercise of its powers and duties under this Act. (2) The reservoir manager in particular— (a) must, on being requested by the Department, make available to it the records

	Department in such form, manner or timing as specified by notice.	referred to in section 98(2)(a), (b) must, on being so requested, provide the Department with such further information or particulars as the Department may require, in such form and manner and within such period of time, as the Department may by notice served on the reservoir manager require.
Part of section 100	Section 100 makes it an offence for a reservoir manager to fail to comply with section 98 and 99. Subsection (2) makes it an offence to intentionally alter, suppress or destroy any document, information or particulars, or knowingly or recklessly provide any document, information or particulars which is false or misleading, required under these sections. Subsection (3) sets out the maximum criminal sanctions of a reservoir manger committing an offence under this section. Commencement Order No. 1 commences 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: sections 98 and 99 100—(1) A reservoir manager of a controlled reservoir who fails, without reasonable excuse, to comply with any of the following requirements commits an offence— (a) the requirements of section 98 (affording of reasonable facilities to engineers), (b) the requirements of section 99 (provision of information and assistance to the Department). (2) A reservoir manager of a controlled reservoir who does any of the following commits an offence— (a) intentionally alters, suppresses or destroys any document, information or particulars which the person has been required by virtue of either of those sections to produce, (b) for the purposes of either of those sections knowingly or recklessly provides any document which is, or any information or particulars which are, false or misleading in a material respect. (3) A reservoir manager guilty of an offence under subsection (1) or (2)— (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 any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
All of section 101	This section enables the Department to require information or assistance from others for the purposes specified and in exercise of its functions under this Act.	Power to require information and assistance from others 101 The Department may by notice require a district council, any other body established or constituted under a statutory provision or any other person to provide it, within such period of time as may be so specified, with such information and assistance as it reasonably considers it needs in connection with any of the following purposes—

		(a) enabling the Department to serve or give any notice which it is authorised or required by this Act to serve or give, (b) enabling the Department to exercise its powers and duties under this Act, (c) enabling the Department to assess who is, or has been, the reservoir manager of a controlled reservoir.
All of section 102	Civil 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 various sections within the Act and the types of reservoir in relation to which members of such reservoir panels may be commissioned by reservoir managers to undertake various roles. For example an ‘all reservoir panel’ may be established and engineers who are members of this panel may be commissioned to carry out the role of supervising engineer, inspecting engineer or construction engineer for any type of reservoir (e.g. impounding or service reservoir). Members of the ‘supervising panel’ would only be able to be commissioned to undertake the supervising role under the Act. Subsection (2) defines the term ‘suitable’ as including fit, and appropriately qualified and experienced.	Panels of reservoir engineers 102—(1) The Department must— (a) establish one or more panels of reservoir engineers for the purposes of this Act, (b) appoint civil engineers who it considers to be suitable for appointment as members of such of the panels as it considers appropriate, (c) specify by order, as regards each panel, the sections of this Act under which, and the type of controlled reservoir in relation to which, a member of the panel may be commissioned. (2) For the purposes of subsection (1)(b), and sections 104(1) and 105(4), “suitable” includes fit and appropriately qualified and experienced.
All of section 103	Subsection (1) requires civil engineers who wish to be appointed to a panel to make an appropriate application and subsection (2) enables the Department to make regulations specifying the information to be provided in the application. Subsections (3) and (4) provides for transitional	Appointment of members to panels: further provision 103—(1) Subject to subsections (3) and (4), a civil engineer who wishes to be appointed to a panel under section 102(1)(b) must make an appropriate application. (2) The Department may by regulations make provision as to the information to be provided by a civil engineer making an appropriate application.

	arrangements for the appointment of engineers, utilising appointments made under the Reservoirs Act 1975. Subsection (5) allows the Department to determine the period for any appointment of a civil engineer to a panel and Subsection (6) provides that a civil engineer appointed is eligible for re-appointment.	(3) The first appointment under paragraph (b) of section 102(1) of members of the panels established under paragraph (a) of that section are to be made (without a requirement of an appropriate application) in accordance with subsection (4). (4) The Department may appoint such civil engineers who are (as at the date of commencement of section 102) members of the panels constituted under section 4 of the 1975 Act, as it considers appropriate. (5) An appointment under this section is for such period as the Department determines. (6) A civil engineer appointed to a panel is eligible for re-appointment. (7) In this section— (a) “an appropriate application” is an application made in accordance with arrangements made by the Department and accompanied by payment of the appropriate fee, (b) “the appropriate fee” is a fee of such amount as may be determined in accordance with arrangements made by the Department.
All of section 104	This section enables the Department to remove a civil engineer from a panel where it is satisfied that the engineer is not suitable to continue to be a member of it. The Department must serve notice on the civil engineer removed from the panel and state the grounds for its decision.	Removal of panel members 104—(1) The Department may remove a civil engineer from a panel where it is satisfied that the engineer is not suitable to continue to be a member of it. (2) The Department must serve on a civil engineer removed from a panel under subsection (1) notice of the engineer’s removal from the panel. (3) Notice under subsection (2) must specify the grounds on which the engineer has been removed from the panel.
All of section 105	Subsection (1) permits the Department to dissolve or alter a reservoir panel and subsection (2) specifies that the Department must give reasonable notice to members of the panel before doing so. The Department may permit a civil engineer commissioned from the panel in relation to a controlled reservoir to continue in his role for a period of up to 4 years, but may; by notice direct that an engineer is no longer entitled to do so during the 4 year period due to	Dissolution or alteration of panels etc. 105—(1) The Department may dissolve or alter a panel established under section 102(1)(a). (2) Before doing so, the Department must serve reasonable notice on the members of the panel. (3) The Department may allow a civil engineer who, immediately before the dissolution or alteration was commissioned under this Act in relation to a controlled reservoir, to continue to act for a period of up to 4 years for the purpose for which the engineer was

	unsuitability. Subsection (6) provides the Department with the power by order to amend the time period (4 years) specified in subsection (3) for an engineer commissioned to be permitted by the Department to continue in the role.	commissioned; and the engineer is to be regarded as continuing to be commissioned under this Act for the purpose. (4) But the Department may, by notice, direct that a civil engineer is no longer entitled to act under subsection (3) where it is satisfied that the engineer is no longer suitable to do so. (5) Notice under subsection (4) must specify the grounds for the direction under that subsection. (6) The Department may by order amend the period specified for the time being in subsection (3).
All of section 106	This section allows a civil engineer who has applied to be appointed to a reservoir panel and been unsuccessful, has been removed from a reservoir panel or has been given a direction under section 105(4) (as no longer suitable to continue in his commission) to apply to the Department for a review of its decision. Subsection (2) enables the Department by regulations to make further provision regarding applications and reviews under this section including provision as to charging fees.	Review of decisions not to appoint, or to remove civil engineers from panels etc. 106—(1) A civil engineer— (a) whose application for appointment to a panel established under section 102(1)(a) is unsuccessful, (b) who is removed from a panel under section 104(1), (c) who is given a direction under section 105(4), may apply to the Department for a review of its decision. (2) The Department may by regulations make further provision in relation to applications and reviews under this section, including provision as to determining and charging fees in connection with such applications.
All of section 107	This section places a duty on the Department to consult with the President of the Institution of Civil Engineers before establishing a panel, making an appointment to a panel, making an order under section 102, (specifying the various sections within the Act and the types of reservoir in relation to which members of such reservoir panels may be commissioned by reservoir managers to undertake various roles), removing an engineer from a panel, dissolving a panel, directing that an engineer is no	Consultation with Institution of Civil Engineers 107 The Department must consult the President of the Institution of Civil Engineers (or, if that Institution appoints a committee for the purpose, that committee), before— (a) establishing a panel under section 102(1)(a), (b) making an appointment to a panel under section 102(1)(b) (but not a first appointment in accordance with section 103(3) and (4)), (c) making an order under section 102(1)(c), (d) removing an engineer from a panel under section 104(1), (e) dissolving a panel under section 105(1),

	longer entitled to act under section 105(4) or making a decision in a review under section 106.	(f) directing under section 105(4) that an engineer is no longer entitled to act under section 105(3), (g) making a decision in a review under section 106.
All of section 108	This section enables the Department to reimburse the Institution of Civil Engineers any costs reasonably incurred by virtue of the appointment process of civil engineers to reservoir panels and consultation under section 107.	Reimbursement of costs incurred by Institution of Civil Engineers 108 The Department may reimburse the Institution of Civil Engineers the amount of any costs reasonably incurred by the Institution by virtue of— (a) arrangements entered into (whether directly or indirectly) between the Department and the Institution for the purposes of section 102(1)(b), (b) section 107.
Part of section 109	Section 109 provides the Water Appeals Commission with the power by order to award costs to the parties to an appeal against a decision by the Department in respect of the matters listed at subsection (2). Any order made has the effect of a court order (subsection (3)) and the Taxing Master has the powers in relation to such an order as it would to an order of the high court (subsection (4)). Commencement Order No. 1 commences 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). Commencement Order No. 1 also commences section 109(2)(a) and (e) - Power of Water Appeals Commission to award costs in appeal under section 21 (reservoir designation) and by virtue of regulations under section 77(1) (in relation to stop notice).	Power of Water Appeals Commission to award costs in an appeal 109—(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. (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. (2) The appeals are— (a) an appeal under section 21 (reservoir designation), (e) an appeal by virtue of regulations under section 77(1) (in relation to stop notice),

	Commencement Order No. 1 also commences 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.	(2) The appeals are— (d) an appeal under section 76 (cost recovery under section 69, 71, 73 or 75),
Part of section 110	In the circumstances where criteria at subsection (1) applies this section provides the Water Appeals Commission with the power to make an order to award costs even if a hearing is arranged and the hearing does not take place. Commencement Order No. 1 commences 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: supplementary 110—(1) Subsection (2) applies where all of the following apply— (a) for the purpose of an appeal referred to in section 109(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 109(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.
Part of section 111	This section gives the Office of the First Minister and deputy First Minister the power to make regulations to specify the fees to be paid to the Water Appeals Commission for all appeals that it hears under the Reservoirs Act. Commencement Order No. 1 commences 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	Fees in relation to appeals 111 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 109(2).

	73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1).	
All of section 112	This section enables the Department to make provision by regulation to extend the time limit for prosecution of summary only offences provided in the Act. This would amend the time limit provided under Article 19(1)(a) of the Magistrates Courts (NI) Order 1981 for summary offences, (currently 6 months from when the offence was committed or ceased to continue).	Time limit for certain summary offences under Act 112—(1) The Department may by regulations provide that, notwithstanding anything in Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981, a magistrates' court has jurisdiction to hear and determine a complaint charging the commission of a specified offence if the complaint is made before the end of the specified period. (2) In subsection (1)— (a) "specified offence" means an offence under this Act specified in the regulations, (b) "the specified period", in relation to a specified offence, means such period after the time when the offence was committed or ceased to continue as is specified in the regulations in relation to the offence or category of offences within which the specified offence falls; and different periods may be specified as respects different offences or categories of offence.
All of section 113	This section makes provision for the Secretary of State to issue a non-disclosure notice to the Department if it appears that disclosure by any other means of any information which the Department may hold or receive in relation to controlled reservoirs, would adversely affect national security. This is in addition to the Secretary of State's power in section 9(4) to direct the Department not to include in the controlled reservoirs register any information which would adversely affect national security. The non disclosure notice may also require the Department not to give to any person any indication of the existence of such information. This section does not prevent the Department from complying with any other legal obligation to which it is subject and as listed in subsection (4).	National security: further provision 113—(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.

All of section 115	This section enables the Department to make provision in regulations for the assessment of reports, written statements, recommendations and certificates prepared by reservoir engineers' as part of their duties under the Act. Subsection (2) enables the regulations to make provision for a committee consisting of members of the Institution of Civil Engineers to make this assessment and the conditions of membership of such a committee. The matters which the regulations in particular may provide for are specified in subsection (3).	Assessment of engineers' reports etc. 115—(1) The Department may by regulations make provision for the assessment of the quality and content of reports, written statements and certificates given under this Act by — (a) supervising engineers, (b) inspecting engineers, (c) other qualified engineers, (d) construction engineers. (2) The regulations may— (a) make provision for the assessment to be made by a committee consisting of members of the Institution of Civil Engineers, (b) specify the conditions for membership of the committee. (3) The regulations may, in particular, make provision as to— (a) the criteria for assessment, (b) the reports, statements and certificates, or categories of reports, statements and certificates, that are to be assessed, (c) the assessment procedure (including whether oral as well as written representations are to be permitted), (d) timing, (e) reporting by the committee to the Department, (f) the steps that may be taken by the Department following an assessment.
All of section 116	This section makes provision for the Department to publish information on a range of costs for services undertaken by a qualified engineer under the Reservoirs Act. This will provide reservoir managers with an indication of costs to be incurred for services such as an inspection of a reservoir by an inspecting engineer or the costs of a supervising engineer.	Publication of information as regards ranges of costs of engineers' services 116—(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 102. (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.

All of section 117	Subsection (1) requires reservoir managers to notify the Department when they have revoked the commissioning of an engineer specifying the effective date of revocation. Notice of the revocation is to be given within 28 days of the revocation. An engineer commissioned by a reservoir manager may give notice of resignation to the reservoir manager specifying the effective date (subsection (2)) not later than 28 days after the resignation. The reservoir manager must give a copy of the notice to the Department within 28 days of receipt of the notice. Subsection (3) makes it an offence for a reservoir manager to fail to give the Department a notice of revocation or a copy of a resignation notice and subsection (4) sets out the maximum criminal sanctions of a reservoir manager committing an offence under this section. Subsection (5) provides a defence to a charge in the case where a reservoir manager did not receive a notice of resignation from an engineer.	Notice to the Department of revocation of commissioning, or resignation, of engineer 117—(1) Where the reservoir manager of a controlled reservoir revokes the commissioning of a supervising engineer, an inspecting engineer, other qualified engineer or a construction engineer commissioned in relation to the reservoir, the manager must, not later than 28 days after doing so, give the Department notice of the revocation and of the date it took effect. (2) Where an engineer referred to in subsection (1) resigns— (a) the engineer must, not later than 28 days after the resignation, give the reservoir manager notice of it and the date on which it took, or is to take, effect, (b) the reservoir manager who receives notice under paragraph (a) must, not later than 28 days after the receipt, give the Department a copy of the notice. (3) Failure by a reservoir manager to comply with the requirements of subsection (1) or (2)(b) is an offence. (4) A reservoir manager guilty of an offence under subsection (3)— (a) in relation to a controlled reservoir which is, at the time the offence is committed, designated as a high-consequence reservoir is liable on summary conviction to a fine not exceeding level 5 on the standard scale, (b) in relation to any other controlled reservoir is liable on summary conviction to a fine not exceeding level 4 on the standard scale. (5) It is a defence to a charge in proceedings for an offence under subsection (3) that the reservoir manager did not receive notice of the resignation.
All of section 118	This section enables the Department to make further provision in regulations about the form and content of any notice or the form of any written statement, report or certificate under the Act.	Form and content of notices, reports, certificates etc. 118 The Department may by regulations make provision as to— (a) the form and content of any notice required under this Act, (b) the form of any written statement by a supervising engineer, or any report or certificate by an inspecting engineer or other qualified engineer or a construction engineer, under this Act.
All of section 119	This section provides for the conditions relating to the use of electronic communications for the sending of notices or other documents required under the Act.	Electronic serving or giving of notices or other documents 119—(1) Where subsection (2) applies, except as provided in subsection (4), any notice or other document required or authorised to be served on or sent or given to any person under this Act may be served, sent or given by sending it using electronic communications, in accordance with the condition in subsection (3), to the person at the person's electronic address.

	Subsection (2) requires agreement regarding the use of electronic communications and subsection (3) specifies the conditions relating to the notice or other document. Electronic communications cannot be used for the serving of a notice of the intention to enter land which is occupied (subsection (4)). Subsection (5) specifies the time and day of receipt for electronic communication. Subsection (6) requires notice to be given regarding the withdrawal of electronic communications.	(2) This subsection applies where the person has given an address for service using electronic communications ("the person's electronic address") and has agreed to the sending of such notices or other documents to the person at that address. (3) The condition referred to in subsection (1) is that the notice or other document is— (a) capable of being accessed by the recipient, (b) legible in all material respects, (c) in a form sufficiently permanent to be used for subsequent reference; and for this purpose "legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if served, sent or given by means of a notice or document in printed form. (4) Subsection (1) does not apply to notice under section 95(2)(a) (notice of intention to enter land that is occupied). (5) Any notice or other document duly served, sent or given by virtue of this section using electronic communications is, unless the contrary is proved, to be taken to have been delivered at 9am on the working day immediately following the day on which it was transmitted. (6) Where a person is no longer willing to accept the use of electronic communications for any purpose of this Act which is capable of being carried out electronically and gives notice withdrawing the person's electronic address to the Department, a supervising engineer, inspecting engineer, other qualified engineer or construction engineer, the Institution of Civil Engineers or a referee commissioned under section 63, such withdrawal is final and takes effect on a date specified by the person in the notice (but not less than 7 days after the date on which the notice is given). (7) This section is without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 (service of documents); and in the application of that section to serving, sending or giving any notice or other document by virtue of this section using electronic communications, in paragraph (e) the references to "premises" are to be construed as references to land or premises on the land. (8) In this section— (a) "electronic communication" has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001, (b) reference to the "supervising engineer" is to be construed as including the nominated representative of the supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable, (c) "working day" means a day which is not a Saturday, Sunday or a public holiday.
All of section 120	If the Institution of Civil Engineers ceases to exist, the Department may by order amend references in the Act to the Institution and to its President.	Change to the Institution of Civil Engineers 120 If the Institution of Civil Engineers ceases to exist, the Department may by order amend references in this Act to the Institution and to its President.
All of section 121	The Reservoirs Act does not confer a right to claim damages in respect of a breach of an obligation imposed by this legislation.	Civil liability 121 This Act does not confer a right to claim damages in respect of a breach of an obligation imposed by the Act.
All of section 122	This section makes provision to apply to the Crown in Northern Ireland. Subsection (2) provides that any provision made by or under this Act applies to persons	Application to the Crown 122—(1) This Act binds the Crown and applies to any Crown land to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

	in the service of the Crown as it applies to other persons. Subsections (3) and (4) define a reference to the Crown, Crown land, Crown estate and Government Department.	(2) Notwithstanding subsection (1), any provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons. (3) In this section and sections 123 and 124, reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland. (4) In this section and section 123— (a) "Crown land" means land in which there is a Crown estate, (b) "Crown estate" means either— (i) an estate belonging to Her Majesty in right of the Crown, (ii) an estate belonging to a government department or held in trust for Her Majesty for the purposes of a government department, (c) "government department" means a department of the Government of the United Kingdom or a Northern Ireland Department.
All of section 123	Subsections (1) and (2) provide that the Crown in Northern Ireland will not be criminally liable to any contravention of the Act's provisions but allows the High Court to declare any act of the Crown in contravention of the Act's provisions unlawful, upon application by the Department. Subsection (3) limits powers of entry to Crown land by requiring the consent of an appropriate authority to be obtained before the powers of entry can be exercised. Subsection (4) defines the term 'the appropriate authority' in relation to any land. Subsection (5) provides for the Department of Finance and Personnel or the Treasury, as appropriate, to determine any question which arises as to who is the appropriate authority in relation to any land and the determination is final.	Enforcement in relation to the Crown 123—(1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable. (2) But the High Court may, on the application of the Department, declare unlawful any act or omission of the Crown which constitutes such a contravention. (3) The powers conferred by section 93 (whether those specified in that section or the ancillary powers referred to in section 95(1)) are exercisable in relation to Crown land only with the consent of the appropriate authority. (4) In this section and section 124, "the appropriate authority" in relation to any land, means— (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners, (b) in the case of any other land belonging to Her Majesty in right of the Crown, the government department having the management of the land, (c) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, the government department.

		(5) If any question arises as to what authority is the appropriate authority in relation to any land, the question must be referred to the Department of Finance and Personnel or (as appropriate) the Treasury, whose decision is final.
All of section 124	This section provides that any notice to be served on the Crown or document given to the Crown must be served on or given to the appropriate authority. Subsection (2) states that section 24 of the Interpretation Act (Northern Ireland) 1954 does not apply to service of this notice.	Service or giving of notices or other documents: the Crown 124—(1) Any— (a) notice required under this Act to be served on or given to the Crown, (b) other document required by this Act to be given to the Crown, is to be served on, or given to, the appropriate authority. (2) Section 24 of the Interpretation Act (Northern Ireland) 1954 does not apply for the purposes of the service of such a notice.
All of section 125	This section provides that where an offence under the Act has been committed by a corporate body section 20(2) of the Interpretation Act (Northern Ireland) 1954 is amended as specified and the company officials or members may be liable. Subsection (2) deals with liability in the case of a partnership.	Offences by bodies corporate and partnerships 125—(1) For the purposes of an offence under this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954— (a) applies with the omission of the words “the liability of whose members is limited”, (b) in a case where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate. (2) If an offence under this Act is committed by a partnership (whether or not a limited partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of any of the following— (a) a partner, (b) a person purporting to act as a partner, that person (as well as the partnership) commits the offence.
All of section 129	This introduces Schedule 3 and Schedule 4 in which amendments of the Water and Sewerage Services (Northern Ireland) Order 2006, in relation to the Water Appeals Commission, and a repeal of Article 297 are set out.	Minor and consequential amendments and repeals 129—(1) The statutory provisions set out in Schedule 3 have effect subject to the minor and consequential amendments specified in the Schedule. (2) The provisions set out in the first column of Schedule 4 are repealed to the extent specified in the second column of that Schedule.

Schedule 1	This Schedule sets out the procedure to be used by the reservoir manager when seeking a review of the Department's decision regarding a document being a pre-commencement inspection report. Paragraph 3 provides that the Department may commission an appropriate panel engineer when undertaking a review and specifies the matters that the Department must take into account when considering an application for review. Paragraph 5 requires the Department to notify the reservoir manager of its decision and specifies what is to be included in any notice. Paragraph 6 provides powers for the Department to make further provision by regulations in relation to applications for reviews, and reviews, under this Schedule.	Section 33(6). SCHEDULE 1 PRE-COMMENCEMENT INSPECTION REPORTS: REVIEW OF DECISION UNDER SECTION 33(2) 1 A reservoir manager of a high-consequence or medium-consequence reservoir on whom notice is served under subsection (5) of section 33 may apply to the Department for a review by it of its decision under subsection (2) of that section (that it is satisfied that a document provided in pursuance of subsection (1) is not a pre-commencement inspection report). 2 Any such application must be made in writing before the end of the period of 90 days beginning with the date on which the notice was served. 3 In considering an application under paragraph 1, the Department— (a) may commission to make recommendations to it about the document which was the subject of the decision ("the document") an engineer who— (i) 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 under this paragraph in relation to the reservoir, (ii) is not disqualified by virtue of paragraph 4 from being so commissioned in relation to the reservoir, (b) must take into account— (i) a recommendation by an engineer commissioned by it under paragraph (a), (ii) any representations made to it by or on behalf of the reservoir manager in relation to the application. 4 An engineer is disqualified from being commissioned under paragraph 3 in relation to a high-consequence or medium-consequence reservoir if the engineer— (a) was commissioned under section 33(2) in relation to the making of the decision which is the subject of the review, (b) prepared the document, (c) is, or has previously been an employee of any person who is, or has previously been, a reservoir manager of the reservoir. 5 The Department must notify the reservoir manager of its decision in the review by serving on the reservoir manager notice — (a) specifying whether it confirms the decision or has decided that the document is a pre-commencement inspection report, (b) where it has confirmed its decision, specifying the reasons for doing so. 6 The Department may by regulations make further provision in relation to applications for review, and reviews, under this Schedule.
Schedule 3	Minor and consequential amendments	Section 119(1). SCHEDULE 3 MINOR AND CONSEQUENTIAL AMENDMENTS <i>The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)</i> 1 The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows. 2 In Article 293 (procedure of the Water Appeals Commission)— (a) in paragraph (6), for "(9) or (10)" substitute "(9), (10) or (10A) ", (b) after paragraph (10), insert— "(10A) This paragraph applies to a decision by the Appeals Commission on an appeal falling within any of the following sub-paragraphs— (a) an appeal (under section 21 of the Reservoirs Act (Northern Ireland) 2015) against a decision in a review of a

		reservoir designation of a controlled reservoir, (b) an appeal (made by virtue of regulations made under section 27(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, (c) an appeal (made by virtue of regulations made under section 57(1) of that Act) against a decision as to recovery of costs in relation to a flood plan, (d) an appeal (under section 76 of that Act) against a decision as to recovery of costs under section 69, 71, 73 or 75 of that Act, (e) an appeal (made by virtue of regulations under section 77(1) of that Act) against any of the following— (i) a decision to serve a stop notice, (ii) a decision not to give a completion certificate, (iii) a decision not to award compensation or as to the amount of compensation, (iv) a decision as to recovery of costs in relation to the serving of the stop notice, (f) an appeal (made by virtue of regulations under section 81(1) of that Act) against any of the following— (i) a decision in a review of refusal to give certification that an enforcement undertaking has been complied with, (ii) a decision as to recovery of costs in relation to the acceptance of the undertaking, (g) an appeal (made by virtue of regulations under section 83(1) of that Act) against a decision to impose a fixed monetary penalty, (h) an appeal (made by virtue of regulations under section 86(1) of that Act) against any of the following— (i) a decision to impose a variable monetary penalty, (ii) a decision as to recovery of costs in relation to the imposition of the penalty, (i) an appeal (made by virtue of regulations under that section) against a notice imposing a non-compliance penalty for failure to comply with an undertaking referred to in section 87(5) of that Act.”. 3 Article 297 (regulations by the Department for Regional Development as to safety of reservoirs) is omitted. 4 In Article 300 (regulations), in paragraph (1)(b), the words “or 297” are omitted.				
Schedule 4	Repeals	SCHEDULE 4Section 119(2). REPEALS <table><tr><th>Short Title</th><th>Extent of repeal</th></tr><tr><td>The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)</td><td>Article 297. In Article 300(1)(b), the words “or 297”.</td></tr></table>	Short Title	Extent of repeal	The Water and Sewerage Services (Northern Ireland) Order 2006 (NI 21)	Article 297. In Article 300(1)(b), the words “or 297”.
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