

20 No. 000**

FLOOD RISK MANAGEMENT

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

Made - - - -

20**

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

Citation and interpretation

1.—(1) This Order may be cited as The Reservoirs (2015 Act) (Commencement No. 1) Order (Northern Ireland) 20**.

(2) In this Order “the Act” means the Reservoirs Act (Northern Ireland) 2015.

Appointed day

2. The day appointed for the coming into operation of the provisions of the Act specified in the Schedule is <Date> <Month> 20**.

Sealed with the Official Seal of the Department for Infrastructure on <Date> <Month> 20**.

Insert name
A senior officer of the
Department for Infrastructure

^(a) S.R. 2021 No.114 (see article 4).
^(b) 2015 c.8 (N.I.).

SCHEDULE 1

Provisions of the Act coming into operation in accordance with Article 2

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 3	Matters to be taken into account under section 2(3)
Section 4	Controlled reservoirs: further provision
Section 7	Multiple reservoir managers: supplementary
Section 8	Duty of multiple reservoir managers to co-operate
Section 9	Controlled reservoirs register
Section 10	Reservoir managers' duty to register with the Department
Section 11	Structures or areas which are controlled reservoirs on the relevant date
Section 12	Structures or areas which become controlled reservoirs after the relevant date
Section 13	Structures or areas which are the subject of regulations under section 2(3)
Section 15	Registration: supplementary
Section 16	Offences: registration
Section 17	Giving a reservoir designation
Section 18	Periodic re-assessment of reservoir designation
Section 19	Date on which reservoir designation given under section 17 or given as different designation under section 18 takes effect
Section 20	Review by Department of its decision under section 17 or section 18
Section 21	Appeal against Department's decision in a review under section 20
Section 22	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)
Section 23	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision
Section 24	High-consequence reservoirs, medium-consequence reservoirs and low-consequence reservoirs: further provision
Section 25(3)	Definition of supervising engineer
Section 26(10) for the purposes of sections 26 and 35	Duties etc. in relation to supervision
Section 30(1)	Inspection timings
Section 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	Definition of an inspecting engineer

Section 31(1) and (6)	Inspection timings: - reservoir subject to a pre-commencement inspection report and meaning of relevant date
Section 32	Inspection timings: other qualifications
Section 33	Pre-commencement inspection report
Section 34(1)(a), (2), (4) and (5)	Commissioning of an inspecting engineer to undertake inspection
Section 35(1), (4)(a), (b), (e), (f), (g) and (h), (5)(a), (6)(a) and (c) and (7)	Duties etc. in relation to inspection
Section 38(1)(e), except in relation to the requirements of section 34(1)(b)	Offences in relation to requirements of 34(1)(a) commission of inspection engineer and associated penalties as they relate to offences commenced
Section 38(2)(c)	Offence: notice of commission of inspecting engineer
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)	Penalties in relation to offences
Section 38(3) in relation to an offence under section 38(2)(c)	Penalty in relation to offence
Section 41	Application of Part 3 etc.
Section 43	Notice to Department and commissioning of construction engineer
Section 44	Supervision of relevant works and reservoir safety by construction engineer
Section 45	Safety report
Section 46	Safety report: compliance
Section 47	Preliminary certificate
Section 48	Construction certificate
Section 49	Final certificate
Section 50	Preliminary and final certificate: compliance
Section 51	Termination of supervision by construction engineer
Section 52	Offences: construction or alteration
Section 53	Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate
Section 54	Defences: offences under 53(1)
Section 55	Controlled reservoirs subject to relevant works on the commencement date
Section 58	Maintenance of records
Section 59	Display of emergency response information
Section 60(1)(c), and section 60(3) so far as it relates to failure to comply	Offences under Part 4

with requirements of section 58	
Section 61	Referral to referee: directions in safety report or inspection report
Section 62	Referral to referee: requirements in preliminary certificate or final certificate
Section 63	Commissioning of referee
Section 64	Powers of referee: referral under section 61(2)
Section 65	Powers of referee: referral under section 62(1)
Section 66	Procedure etc.
Section 67(1)(b) and (c), (2) and (3)	Enforcement notice: commissioning an inspecting or construction engineer
Section 68 in so far as it concerns the commissioning of an inspecting or construction engineer	Offence: failure to comply with a notice under section 67(2)
Section 69 in so far as it concerns the commissioning of an inspecting or construction engineer	Commissioning of engineer by Department
Section 70(b) and (c)	Commissioning by the Department: engineers' reports, certificates, recommendations etc.
Section 74 in relation to an offence under section 53(1)(a)	Offence: failure to comply with direction in safety report further remedies
Section 75	Emergency powers
Section 76 as regards costs in relation to the commissioning of an inspecting or construction engineer under section 69 or costs under section 75	Recovery of costs
Section 77	Stop notices
Section 78	Stop notices: content and procedure
Section 79	Stop notices: compensation
Section 80	Stop notices: enforcement
Section 90(1)(a)	Consultation: section 77(2) (stop notices)
Section 90(2) in relation to the consultation required by section 77(2)	Persons to be consulted
Section 91 in relation to regulations under section 77(1)	Recovery by the Department of certain costs in relation to regulations under section 77(1)
Section 98, except so far as it defines a	Affording of reasonable facilities to engineers

“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)

Section 99

Power of the Department to require information and
assistance from reservoir managers

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: section 98 and 99

Section 101

Power to require information and assistance from others

Section 102

Panels of reservoir engineers

Section 103

Appointment of members to panels: further provision

Section 104

Removal of panel members

Section 105

Dissolution or alteration of panels etc.

Section 106

Review of decision not to appoint, or to remove civil
engineers from panels etc.

Section 107

Consultation with Institution of Civil Engineers

Section 108

Reimbursement of costs incurred by Institution of Civil
Engineers

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

Power of Water Appeals Commission to award costs in
appeals

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)

Section 109(2)(a) and (e)

Power of Water Appeals Commission to award costs in appeal under section 21 and by virtue of regulations under section 77(1)

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.

Power of Water Appeals Commission to award costs in appeals

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 in relation to an appeal

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

Fees in relation to appeals

under section 71 or
73; or an appeal by
virtue of regulations
under section 81(1),
83(1) or 86(1)

Section 112	Time limit for certain summary offences under the Act
Section 113	National security: further provision
Section 115	Assessment of engineers' reports etc.
Section 116	Publication of information as regards ranges of costs of engineers' services
Section 117	Notice to the Department of revocation of commissioning, or resignation, of engineer
Section 118	Form and content of notices, reports, certificates etc.
Section 119	Electronic serving or giving of notices or other documents
Section 120	Change to the Institution of Civil Engineers
Section 121	Civil liability
Section 122	Application to the Crown
Section 123	Enforcement in relation to the Crown
Section 124	Service or giving of notices or other documents: the Crown
Section 125	Offences by bodies corporate and partnerships
Section 129	Minor and consequential amendments and repeals
Schedule 1	Pre-commencement inspection reports: review of decision under section 33(2)
Schedule 3	Minor and consequential amendments
Schedule 4	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of the provisions of the Reservoirs Act (Northern Ireland) 2015 listed in the Schedule to the Order.