

**The Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 20\*\***

This Statutory Rule is made under Section 102(1)(c) of the Act and it is subject to the negative resolution procedure.

The purpose of this Order is to provide the sections of the Act under which members of each of the Panels of Engineers established by the Department may be commissioned by reservoir managers to undertake a particular function as required by the Act.

The panels of engineers referred to in the Order were established under Section 102(1)(a) by the Department.

Further information on each Article is provided below.

**Article 1**

*Summary*

Article 1 sets out how the Order may be cited, when it will come into operation, as well as interpretation of key phrases.

*Wording of Article as drafted*

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 2024 and comes into operation on <Date> 2024.

(2) In this order—

“impounding reservoir” means a controlled reservoir which is formed by impounding a watercourse in a natural valley by means of a dam;

“non-impounding reservoir” means a controlled reservoir which is not designed to obstruct or impede the flow of a watercourse;

“section” refers to a section of the Reservoirs Act (Northern Ireland) 2015;

“service reservoir” means a non-impounding reservoir which is constructed of brickwork, masonry, concrete or re-enforced concrete.

(3) References to a named panel are references to the panel of that name established under section 102(1)(a).

**Article 2**

*Summary*

Article 2 sets out details on members of the All Reservoirs (Northern Ireland) Panel's roles/responsibilities and how they may be commissioned.

### Wording of Article as drafted

#### **All Reservoirs (Northern Ireland) Panel**

2. A member of the All Reservoirs (Northern Ireland) Panel may undertake roles and responsibilities on all types of reservoirs (impounding, non-impounding and services reservoirs) and may be commissioned under—

- (a) section 20(3);
- (b) section 25;
- (c) section 29;
- (d) section 33(2);
- (e) section 34;
- (f) section 36(2);
- (g) section 43;
- (h) section 56;
- (i) section 57;
- (j) section 63;
- (k) section 69;
- (l) section 71;
- (m) section 73;
- (n) section 75;
- (o) section 77; or
- (p) Schedule 1

### **Article 3**

#### Summary

Article 3 sets out details on how members of the Non-impounding Reservoirs (Northern Ireland) Panel may be commissioned.

### Wording of Article as drafted

#### **Non-impounding Reservoirs (Northern Ireland) Panel**

3. A member of the Non-impounding Reservoirs (Northern Ireland) Panel may be commissioned under—

- (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a non-impounding reservoir;
- (b) section 25;
- (c) section 29;
- (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a non-impounding reservoir;

- (e) section 34 for the purposes only of an inspecting engineer in respect of a non-impounding reservoir;
- (f) section 36(2) for the purposes only of compliance with inspection report in respect of a non-impounding reservoir;
- (g) section 43 for the purposes only of a construction engineer in respect of a non-impounding reservoir;
- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a non-impounding reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a non-impounding reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a non-impounding reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a non-impounding reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a non-impounding reservoir;
- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a non-impounding reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a non-impounding reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a non-impounding reservoir;  
or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a non-impounding reservoir.

## **Article 4**

### ***Summary***

Article 4 sets out details on how members of the Service Reservoirs (Northern Ireland) Panel may be commissioned.

### ***Wording of Article as drafted***

#### **Service Reservoirs (Northern Ireland) Panel**

4. A member of the Service Reservoirs (Northern Ireland) Panel may be commissioned under—
  - (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a service reservoir;
  - (b) section 25;
  - (c) section 29;
  - (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a service reservoir;
  - (e) section 34 for the purposes only of an inspecting engineer in respect of a service reservoir;
  - (f) section 36(2) for the purposes only of compliance with inspection report in respect of a service reservoir;

- (g) section 43 for the purposes only of a construction engineer in respect of a service reservoir;
- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a service reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a service reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a service reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a service reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a service reservoir;
- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a service reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a service reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a service reservoir; or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a service reservoir.

## **Article 5**

### ***Summary***

Article 5 details how members of the Supervising Engineers (Northern Ireland) Panel may be commissioned.

### ***Wording of Article as drafted***

**5.** A member of the Supervising Engineers (Northern Ireland) Panel may be commissioned under sections 25 or 29 for all types of reservoirs.