

EXPLANATORY MEMORANDUM TO
The Reservoirs (Northern Ireland) Regulations 20**

20 No.***]**

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 4(2), 9(2), 10(2), 37(1)(e), 37(2), 58(3), 59(2), 66(1) 118 and 127(4) of the Reservoirs Act (Northern Ireland) 2015 ("the Act") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Regulations is to make further provision under the Act in relation to the calculation of volume, registration, recording of water levels and record keeping, display of emergency response information, dispute referral and form and content of notices, statements, reports and certificates.

3. Background

- 3.1. The Act received Royal Assent in July 2015. The purpose of the Act is to introduce a proportionate regulatory framework for the management and maintenance of reservoirs, capable of holding 10,000 cubic metres or more of water, in order to protect people, the economy, the environment and cultural heritage from the risk of flooding due to dam failure. These reservoirs are known as controlled reservoirs.
- 3.2. The Act requires the Department to make a number of Regulations to set out in more detail certain procedures or requirements of the regulatory framework which will assist reservoir managers in complying with the Act. These Regulations include the provisions as below.
- 3.3. Regulation 2 sets out how volume of water capable of being held in a reservoir will be calculated as well as related definitions of parts of a reservoir.
- 3.4. Regulation 3 provides the information that will be held for each reservoir on the controlled reservoirs register established by the Department.
- 3.5. Regulation 4 and Schedule 1 lists the information that a reservoir manager must provide to the Department to register a controlled reservoir. As the information contains personal information a Data Protection Impact Assessment was completed.
- 3.6. Regulation 5 and Schedules 2 and 3 provides for additional recorded matters to be maintained by a reservoir manager and specifies the information and form of record in respect of the recorded matters.

- 3.7. Regulation 6 provides information about repairs to low consequence reservoirs to be contained in a record of relevant documents pursuant to section 58(3) of the Act and must be in the form set out in Schedule 4.
- 3.8. Regulation 7 provides the emergency response information that must be displayed at a controlled reservoir by the reservoir manager.
- 3.9. Regulations 8 to 12 details the dispute referral process including the timeframe when a referee may be commissioned, procedure and manner of request, procedure in the referral (including statement of the grounds of challenge, observations and investigation) and the cost of investigation and proceeding (including remuneration of the referee).
- 3.10. Regulations 13 to 20 and the associated Schedules 5 to 27 provides for the form and content of notices to be given by a reservoir manager and the form and content of notices, statements, reports and certificates to be given by reservoir engineers engaged in work in connection with a controlled reservoir.
- 3.11. Regulation 21 and schedule 28 provides the form and content of a notice regarding the resignation of a reservoir engineer commissioned in relation to a controlled reservoir.

4. Consultation

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

5. Equality Impact

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

6. Regulatory Impact

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

7. Financial Implications

- 7.1. These regulations do not introduce new or amend any policy and therefore there is no additional financial implications arising from these regulations than was identified during the introduction of the primary legislation.

8. Section 24 of the Northern Ireland Act 1998

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

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

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

11. Additional Information

11.1. Not applicable.