

SL1 – To Departmental Committee Clerk

Dear Michael,

The Reservoirs (Northern Ireland) Regulations 20**

The Department for Infrastructure proposes to make a Statutory Rule under the powers conferred by 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 Statutory Rule is subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

The purpose of these 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.

More detail on the purpose and implications of this statutory rule can be found at Annex A.

Previous Engagement with the Committee

Date	Brief Summary
20/11/24	SL1 first considered accompanied by oral briefing from DfI officials. Committee writes to the Department with follow-up queries.
09/12/24	Minister O'Dowd responds in writing to the follow-up queries from the meeting held on 20/11/24.
02/04/25	Second draft of SL1 submitted and accompanied by oral briefing from DfI officials. Committee writes to the Department with follow-up queries.
18/04/25	Minister Kimmins responds in writing to the follow-up queries from the meeting held on 02/04/25.
07/05/25	Oral briefing from RaISe on Reservoirs Act history and previous DARD Committee scrutiny. Committee writes to the Department with follow-up queries.
14/05/25	Oral briefing from DfI officials on outstanding Committee concerns. Committee writes to the Department with follow-up queries.
28/05/25	Minister Kimmins responds in writing to the follow-up queries from the meeting held on 07/05/25.
29/05/25	Minister Kimmins responds in writing to the follow-up queries from the meeting held on 14/05/25.
04/06/25	Oral briefing from DfI officials, in closed session, providing ranked list of reservoirs requiring urgent interventions/very poor condition. Committee writes to the Department with follow-up queries and requesting a copy of the National Protocol for the Handling, Transmission and Storage of Reservoir Information and Flood Maps

19/06/25	Public consultation on a grant scheme to support reservoir managers with initial supervision/inspection costs shared with the Committee.
25/06/25	Oral briefing from Minister Kimmins, including answering queries on reservoirs.
26/06/25	Minister Kimmins responds in writing to the follow-up queries from the meeting held on 04/06/25.
13/04/26	Reservoirs grant scheme consultation response report issued to the Committee, summarising the targeted consultation.
29/04/26	Oral briefing from DfI officials on the reservoirs grant scheme consultation response report.
13/05/26	Committee discussed that a confidential list of reservoirs had previously been seen (but retained by the Department) and sought agreement to write to DfI requesting a list of reservoirs not in public ownership and their owners. This was issued to the Committee on 3/6/26.

Consultations

On 29 November 2021, the Department for Infrastructure issued an 8-week targeted public consultation on proposals to commence sections of the Reservoirs Act (Northern Ireland) 2015, and introduce the secondary legislation required to implement the fundamental elements of the reservoir safety policy in Northern Ireland and the criteria which will be used to give controlled reservoirs a reservoir designation. The consultation closed on 23 January 2022 and a Consultation Response Report was published on 27 October 2022 which details the key issues raised in the consultation responses.

Furthermore, on 23 June 2025, the Department for Infrastructure issued a 12-week targeted public consultation on proposals for a grant scheme to support reservoir managers with the initial supervision and inspection requirements of the Reservoirs Act (Northern Ireland) 2015. The consultation closed on 16th September 2025 and a Consultation Response Report was published on 20 April 2026 which details the key issues raised in the consultation responses.

Equality Impact

An equality screening exercise has been undertaken for the five pieces of secondary legislation, and it is considered that a full equality impact assessment is not required. There are no significant impacts on any Section 75 groups, in fact the establishment of a proportionate regulatory framework for the management and maintenance of controlled reservoirs will benefit all of society by ensuring reservoirs are inspected regularly and safety standards maintained and placing reservoir safety duties on reservoir managers to help protect people and property.

Regulatory Impact

A screening exercise has been undertaken for the five pieces of secondary legislation which concludes that a Regulatory Impact Assessment is not required. Reservoir owners/managers are already responsible for reservoir safety under

common law and therefore should already be incurring many of the associated costs. A potential grant scheme would further mitigate any costs.

Rural Needs Impact

The Department has completed a Rural Needs Impact Assessment and concluded that the social and economic needs of people in all areas, including that of rural areas, is the main purpose for this legislation as it intends to introduce a safety regime for the management and maintenance of reservoirs seeking to prevent uncontrolled release of water from dam failure and placing reservoir safety duties on reservoir managers to help protect people and property.

Data Protection Impact

The Department has completed a data protection impact assessment, and no impacts have been identified.

Child Rights Impact

Not applicable.

Position in Great Britain (if appropriate)

The Reservoirs Act 1975 provides similar legislation in England and Wales and the Reservoirs (Scotland) Act 2011 is applicable in Scotland. The Republic of Ireland has no reservoir safety legislation at present.

Any Other Information

Not applicable.

Financial Implications

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.

Compliance with Section 24 of the Northern Ireland Act 1998

A Human Rights Act Impact Assessment has been completed for the five pieces of secondary legislation and concludes that the policy does engage Convention rights, but does not interfere with or limit them. The legislation positively promotes human rights as the safety regime being proposed will seek to mitigate the risk of dam failure. The legislation engages two rights: Article 2 Right to Life and Protocol 1, Article 1 Right to Property. The further commencement of the Act through this secondary legislation positively impacts these rights as the regulatory framework for the management and maintenance of reservoirs provided by the Act seeks to protect people and property by establishing a reservoir safety framework that places reservoir safety duties on reservoir managers.

Consideration by the Executive

This SL1 was issued to the Executive on 01/10/24 and approved at the meeting on 17/10/24.

Proposed Timing of Consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe and the Department proposes that the Committee consider the SL1 as soon as possible.

Proposed Operational Date

The statutory consultation process has been completed, and the Department proposes to proceed with the making of this Statutory Rule.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Infrastructure.

Yours sincerely,



DARREN MURRAY
Departmental Assembly Liaison Officer
Signed for The Department for Infrastructure

Committee for Infrastructure Clerk
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Date: 7 October 2026

cc: Human Rights Commission
Equality Commission