

SCHEDULES

SCHEDULE 4

RESERVOIRS

High-risk reservoirs: inspections

- 12 (1) Section 10 (inspections) is amended as follows.
- (2) In subsection (1) for “large raised reservoir” substitute “ high-risk reservoir ”.
- (3) In subsection (2) for the words from “large raised reservoir” to the end substitute “ high-risk reservoir must be inspected under this section at the times specified by regulations made by the Minister. ”
- (4) In subsection (3) for the words from “the time” to the end substitute—
- “(a) the time of the next inspection;
 - (b) the maintenance of the reservoir;
 - (c) any measures required in the interests of safety and the period within which those measures must be taken.”
- (5) After subsection (3) insert—
- “(3A) If the inspecting engineer has not provided a report before the end of the period of 6 months beginning with the date of completion of the inspection, the engineer must—
- (a) notify [^{F1}the appropriate agency], and
 - (b) provide a written statement of the reasons.”
- (6) In subsection (5) after “safety” insert “ or as to the maintenance of the reservoir ”.
- (7) After subsection (5) insert—
- “(5A) The undertaker must comply with a recommendation made under subsection (3)(b), unless the recommendation is the subject of a reference under section 19 and the reference has not been determined.”
- (8) In subsection (6) for “as soon as practicable” substitute “ , within the period specified in the report, ”.
- (9) After subsection (6) insert—
- “(6A) The inspecting engineer must include in the report of the inspection—
- (a) a statement as to whether all of the safety measures recommended in the previous report under subsection (3)(c) have been taken, and
 - (b) either (i) recommendations to take any safety measure that has not yet been taken or (ii) an explanation of why it is no longer required.”
- (10) In subsection (7) for “large raised reservoir” substitute “ high-risk reservoir ”.

Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: High-risk reservoirs: inspections. (See end of Document for details)

Textual Amendments

- F1** Words in Sch. 4 para. 12(5) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 468\(2\)\(b\)](#) (with Sch. 7)

Commencement Information

- I1** Sch. 4 para. 12 in force at 1.10.2011 for specified purposes by [S.I. 2011/2204](#), [art. 3\(1\)\(e\)](#)
I2 [Sch. 4 para. 12](#) in force at 30.7.2013 for E. so far as not already in force by [S.I. 2013/1590](#), [art. 3\(b\)](#)
I3 [Sch. 4 para. 12](#) in force at 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" in so far as not already in force by [S.I. 2016/79](#), [arts. 2\(c\)](#), 3

- 13 In section 17 (powers of entry) in subsection (1)(b) after “safety” insert “, or as to the maintenance of the reservoir,”.

Commencement Information

- I4** [Sch. 4 para. 13](#) in force at 30.7.2013 for E. by [S.I. 2013/1590](#), [art. 3\(b\)](#)
I5 [Sch. 4 para. 13](#) in force at 1.4.2016 for W. by [S.I. 2016/79](#), [art. 2\(b\)](#)

- 14 In section 19(1)(a) after “safety” insert “, or as to the maintenance of the reservoir”.

Commencement Information

- I6** [Sch. 4 para. 14](#) in force at 30.7.2013 for E. by [S.I. 2013/1590](#), [art. 3\(b\)](#)
I7 [Sch. 4 para. 14](#) in force at 1.4.2016 for W. by [S.I. 2016/79](#), [art. 2\(b\)](#)

- 15 In section 22 (criminal liability) after subsection (1) insert—
 “(1AA) An undertaker who fails to comply with section 10(5A) is guilty of an offence.
 (1AB) A person guilty of an offence under subsection (1A) is liable—
 (a) on conviction on indictment, to a fine;
 (b) on summary conviction, to a fine not exceeding the statutory maximum.”

Commencement Information

- I8** [Sch. 4 para. 15](#) in force at 30.7.2013 for E. by [S.I. 2013/1590](#), [art. 3\(b\)](#)
I9 [Sch. 4 para. 15](#) in force at 1.4.2016 for W. for specified purposes, otherwise on "the applicable day" in so far as not already in force by [S.I. 2016/79](#), [arts. 2\(c\)](#), 3

Changes to legislation:

There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: High-risk reservoirs: inspections.