

2021 No. 1362

WATER, ENGLAND AND WALES

The Reservoirs Act (Panels of Civil Engineers) (Applications and Fees) Regulations 2021

Made - - - - *2nd December 2021*

Coming into force - - *1st January 2022*

The Secretary of State and the Welsh Ministers, acting jointly, make these Regulations in exercise of the powers conferred by sections 4(2), 4(11), 5(1) and 5(2) of the Reservoirs Act 1975(a).

Citation and commencement

1. The title of these Regulations is the Reservoirs Act (Panels of Civil Engineers) (Applications and Fees) Regulations 2021 and these Regulations come into force on 1st January 2022.

Interpretation

2.—(1) In these Regulations—

“the 1975 Act” means the Reservoirs Act 1975;

“existing panel” means any panel constituted under section 4(1) of the 1975 Act that is not a joint panel, namely—

- (a) the All Reservoirs Panel;
- (b) the Supervising Engineers Panel;
- (c) the Non-Impounding Reservoirs Panel; and
- (d) the Service Reservoirs Panel;

“joint panel” means any panel established as a result of a joint determination by the Secretary of State and the Welsh Ministers under section 4(1) and (10) of the 1975 Act(b), namely—

- (a) the All Reservoirs (England and Wales) Panel;
- (b) the Supervising Engineers (England and Wales) Panel;
- (c) the Non-Impounding Reservoirs (England and Wales) Panel; and

(a) 1975 c. 23. The 1975 Act was repealed in relation to Scotland by the Reservoirs (Scotland) Act 2011 (asp 9). Functions under the 1975 Act, in so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672, and further transferred to Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). References to the National Assembly for Wales now have effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32). The 1975 Act was amended by the Flood and Water Management Act 2010 (c. 29) which added section 4(10), 4(11) and 5(2). Sections 4 and 5 (as amended) enable the Secretary of State and Welsh Ministers to establish panels jointly and to exercise functions in relation to those panels jointly.

(b) Reservoirs Act 1975 Joint Determination by the Secretary of State and the Welsh Ministers 2021. In Wales, recorded as (WG21-94). Published on 30 November 2021. This may be found at <https://www.gov.uk/government/publications/joint-reservoir-engineer-panels-determination> and <https://gov.wales/reservoir-engineer-panels-joint-determination-secretary-state-and-welsh-ministers-2021>.

(d) the Service Reservoirs (England and Wales) Panel.

(2) In these Regulations, a reference to a “corresponding panel” is to be construed in accordance with Schedule 2.

Applications for appointment or reappointment

3.—(1) Subject to paragraph (4) below, an application made under section 4(2) of the 1975 Act for appointment or reappointment to a joint panel must be made to the Secretary of State and the Welsh Ministers.

(2) Any application must be made in writing, accompanied by—

- (a) the information set out in Schedule 1;
- (b) the prescribed fee of £450; and
- (c) subject to paragraph (3), in the case of an application for a first appointment to a joint panel, a reference from a qualified civil engineer as to the suitability of the applicant for appointment.

(3) A reference is not required where the applicant is, at the time the application is made, appointed to the existing panel which is the corresponding panel to the joint panel to which they are applying.

(4) In the case of an applicant who makes an application under this section for appointment or reappointment to a joint panel before 1st April 2022 the prescribed fee is £385.

Revocation, saving and transitional

4.—(1) The following Regulations are revoked—

- (a) the Reservoirs (Panels of Civil Engineers) (Application and Fees) Regulations 1992(a); and
- (b) the Reservoirs (Panels of Civil Engineers) (Application and Fees) (Amendment) Regulations 2005(b).

(2) Notwithstanding their revocation, the Regulations mentioned in paragraph (1) continue to apply to any application that is made before 1st January 2022.

(3) If an applicant has applied to be appointed or reappointed to an existing panel, and the appointment or reappointment has not been made before 1st January 2022, the appointment may, with the consent of the applicant, be made instead to the corresponding joint panel.

2nd December 2021

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

1st December 2021

Julie James
Minister for Climate Change
one of the Welsh Ministers

SCHEDULE 1

Regulation 3

1. The applicant’s full name, address and date of birth.

2. Where the application is for reappointment, the joint panel to which the applicant’s appointment relates, and the date on which the appointment took effect.

(a) S.I. 1992/1527, amended by 1994/1533, 1998/2403 and 2005/143.

(b) S.I. 2005/143.

3. The relevant qualifications of the applicant.
4. The applicant’s membership of relevant professional institutions.
5. Particulars of the applicant’s present employment.
6. Particulars of all work carried out by the applicant in relation to reservoirs, with details of the reservoirs in connection with whose design, construction, maintenance or repair the applicant has been employed, including their type, capacity and main dimensions or, where the application is for reappointment, particulars of all such work carried out since their appointment to the panel.

SCHEDULE 2

Regulation 2

Corresponding panels

<i>Existing panel</i>	<i>Corresponding joint panel</i>
All Reservoirs Panel	All Reservoirs (England and Wales) Panel
Non-Impounding Reservoirs Panel	Non-Impounding Reservoirs (England and Wales) Panel
Service Reservoirs Panel	Service Reservoirs (England and Wales) Panel
Supervising Engineers Panel	Supervising Engineers (England and Wales) Panel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the manner in which a civil engineer may apply to be appointed or reappointed to a joint panel of civil engineers set up for the purposes of the Reservoirs Act 1975, and the fee to accompany such an application. These Regulations relate to application for membership of four joint panels established as a result of a joint determination by the Secretary of State and Welsh Ministers in 2021.

Regulation 3 requires an application to be made in writing to the Secretary of State and the Welsh Ministers, accompanied by the information set out in Schedule 1 and the prescribed fee. For applications made between 1st January 2022 and 31st March 2022 the application fee is £385. From 1st April 2022 the fee will be £450. In the case of a first appointment to a joint panel a reference from a qualified civil engineer as to suitability is also required. A reference is not required where an applicant is already a member of a joint panel and the applicant is seeking reappointment, nor where an applicant is already a member of the corresponding existing panel to the joint panel to which they are applying and the application is made before that appointment ends.

Appointments to the joint panels will be made jointly by the Secretary of State and the Welsh Ministers following assessment and recommendations from the Reservoirs Committee of the Institution of Civil Engineers.

Regulation 4 revokes the Reservoirs (Panels of Civil Engineers) (Application and Fees) Regulations 1992 (S.I. 1992/1527) and the Reservoirs (Panels of Civil Engineers) (Application and Fees) (Amendment) Regulations 2005 (S.I. 2005/143). This means that from 1st January 2022 no further applications can be accepted to existing panels.

Regulation 4 also includes transitional provisions that allow an applicant who has applied for appointment or reappointment to an existing panel before 1st January 2022, but appointment or

reappointment has not yet taken place, to be appointed to the corresponding joint panel, with that applicant's consent.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

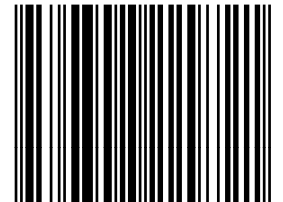
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2021/1362>

ISBN 978-0-34-822972-1



9 780348 229721