
STATUTORY INSTRUMENTS

1994 No. 1556 (S.70)

WATER SUPPLY, SCOTLAND

**The Strathclyde Regional Council
(Kilduskland) Water Order 1994**

Made - - - - - *10th June 1994*
Coming into force - - - - - *17th June 1994*

The Secretary of State, in exercise of the powers conferred on him by sections 17(2) and 29(1) of the Water (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, on the application of the Strathclyde Regional Council, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Strathclyde Regional Council (Kilduskland) Water Order 1994 and shall come into force on 17th June 1994.

Interpretation

2. In this Order—

“the Act” means the Water (Scotland) Act 1980;

“approved” means approved by the Secretary of State;

the “Council” means the Strathclyde Regional Council as water authority;

“day” means a period of 24 hours reckoned from midnight;

“deposited plans” means the two plans, each prepared in duplicate, docqueted and signed as relative to this Order and marked respectively “The Strathclyde Regional Council (Kilduskland) Water Order 1994 Plan of Catchment Area” and “The Strathclyde Regional Council (Kilduskland) Water Order 1994 Location Plan, Plans and Sections of Works Nos. 1, 2 and 3”, one copy of each of which is deposited in the Scottish Office, New St Andrew’s House, Edinburgh, and the other in the office of the Chief Executive of the Council at Glasgow;

“gauge” includes a gauge, weir or other apparatus for measuring the flow of water or measuring the level of the reservoir;

“intake” includes any work by which water is taken by the Council for the purposes of the undertaking;

“undertaking” means the water undertaking for the time being of the Council;

“works” means the works described in Schedule 1 to this Order, which the Council, in exercise of the powers conferred on them by section 21 of the Act, and in the lines and situations and according to the levels shown on the deposited plans, propose to construct and maintain for the purpose of providing a supply of water when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of the provisions of Schedule 4 to the Act

3. The provisions of sections 2 and 10(3), (4) and (5) of Schedule 4 to the Act(2), modified and adapted to read as set out in Schedule 2 to this Order, shall apply to the undertaking in so far as affected by the provisions of this Order, and the terms used in those provisions, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

Water rights

4. Subject to the provisions of this Order, the Council may, for the purposes of the undertaking and by means of the existing scour pipe through the dam and an intake pipe (part of Work No.1), take water from the reservoir known as Kilduskland in the Argyll and Bute District of the Strathclyde Region.

5.—(1) During the construction of the works the Council may take from the said Kilduskland Reservoir such water as they may require for such construction.

(2) After completion of the works the Council—

- (a) shall not in any one day take from the said Kilduskland Reservoir a quantity of water greater than 2,900 cubic metres as measured through or over an approved gauge (part of Work No. 2); and
- (b) shall discharge as a compensation flow into the Kilduskland Burn from the reservoir in a uniform and continuous flow a quantity of water not less than 90 cubic metres per day as measured through or over an approved gauge (part of Work No. 3), which gauge the Council shall instal before taking any water from the said reservoir.

6. If the power to take water conferred by this Order has not been exercised within ten years from the date on which this Order comes into force the said power shall cease.

Miscellaneous

7. The Council shall at all times after the expiration of six months from the date on which this Order comes into force keep at the office of the Chief Executive to the Council a copy thereof and a copy of each of the deposited plans.

Scottish Office Environment Department 27
Perth Street,
Edinburgh
10th June 1994

T D Macdonald
Deputy Chief Engineer, Scottish Office

(2) Section 2 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 81(15)(a); section 10(3) was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21), Schedule 7D, paragraph 62 (as inserted by the Criminal Justice Act 1982 (c. 48), (“the 1982 Act”), Schedule 6) and Schedule 15, paragraph 27 of the 1982 Act.

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The Strathclyde Regional Council (Kilduskland) Water Order 1994 Location Plan, Plans and Sections of Works Nos. 1, 2 and 3” are–

Work No.1	A valve house with approved gauges, at National Grid Reference NR 832 864, incorporating an intake pipe extending from the existing scour pipe through the dam at Kilduskland Reservoir, at a point one metre or thereby from the downstream face of the dam;
Work No.2	A supply pipe extending in an easterly direction from Work No.1, incorporating an approved gauge to measure the amount abstracted, located within Work No 1;
Work No.3	A discharge pipe and channel extending five metres or thereby from Work No.1 to Kilduskland Burn incorporating an approved gauge (V notch weir and level gauge) to measure the compensation flow.

SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purposes of, this Order are–

Section 2

In the construction of the works the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked “The Strathclyde Regional Council (Kilduskland) Water Order 1994 Location Plan, Plans and Sections of Works Nos. 1, 2 and 3” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that–

- (a) no weir across a watercourse shall be constructed at a greater height above the general bed level of a watercourse than that shown on the said plan and 100 millimetres in addition thereto; and
- (b) except for the purposes of crossing a stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons interested in those lands has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the said plan.

Section 10(3)

If the Council–

- (a) fail to instal or maintain in good order any such gauge as is mentioned in the Strathclyde Regional Council (Kilduskland) Water Order 1994, or refuse to allow any person interested

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to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

- (b) take any water contrary to the provisions of the Strathclyde Regional Council (Kilduskland) Water Order 1994,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable, in the case of an offence under paragraph (a) of this subsection, on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction, to a fine not exceeding the statutory maximum; and
- (ii) on conviction on indictment, to a fine.

Section 10(4)

For the purposes of this section as applied by the Strathclyde Regional Council (Kilduskland) Water Order 1994 a fishery district board shall be deemed to be interested in the flow of water in any stream within their fishery district or any stream feeding such a stream, and shall be deemed to be aggrieved by the commission of an offence under this section as applied by the said Order in relation to any such stream.

Section 10(5)

The provisions of this Order shall be deemed to have been accepted by all persons interested as providing full compensation for all water impounded or abstracted by the works.