
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 127

WATER SUPPLY

**The West of Scotland Water Authority (Lochranza
– Allt Easan Biorach) Water Order 1999**

Made - - - - 19th October 1999

Coming into force - - 12th November 1999

The Scottish Ministers, in exercise of the powers conferred on them by sections 17(2) and 29(1) of the Water (Scotland) Act 1980(1) and of all other powers enabling them in that behalf, on the application of the West of Scotland Water Authority, hereby make the following Order:

Citation and Commencement

1. This Order may be cited as the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 and shall come into force on 12th November 1999.

Interpretation

2. In this Order–

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

“approved” means approved by the Scottish Ministers;

“the Authority” means the West of Scotland Water Authority established under section 64 of the Local Government etc. (Scotland) Act 1994(2);

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

“deposited plan” means the plan, prepared in duplicate, docqueted and signed as relative to this Order and marked “The West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 Plan of Catchment Area, Location Plan and Plans and Sections of Work Nos. 1 4”, one copy of which is deposited in the Office of the Scottish Executive, Victoria Quay, Edinburgh, and the other in the Office of the Chief Executive of the Authority at 419 Balmore Road, Glasgow G22 6NU;

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

(1) 1980 c. 45; section 17(2) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1994 (c. 39).

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

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

“works” means the works described in Schedule 1 to this Order, which the Authority, in exercise of the powers conferred on them by section 21 of the Act⁽³⁾ and in the lines and situations and according to the levels shown on the deposited plan, 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) of Schedule 4 to the Act⁽⁴⁾, 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 the provisions of those sections, 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 Authority may, for the purposes of the undertaking, by means of an intake structure and pipe (Work No. 1) take water from the river known as Allt Easan Biorach on the Island of Arran.

5.—(1) During the construction of the works the Authority may take from the said Allt Easan Biorach such water as they may require for such construction.

(2) After completion of the works the Authority—

- (a) may in any one day take from the Allt Easan Biorach by means of Work No. 1 a quantity of water not greater than 415 cubic metres, as measured and recorded by an approved gauge (Work No. 3); and
- (b) may not take water from the Allt Easan Biorach so as to reduce the rate of flow below 1,140 cubic metres in any day as measured through or over the existing gauge at present owned and operated by Isle of Arran Distillers, Lochranza.

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 Authority 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 of the Authority a copy thereof and a copy of the deposited plan.

Victoria Quay,
Edinburgh
19th October 1999

M NEILSON
A member of the staff of the Scottish Ministers

(3) Section 21 was substituted by the Local Government etc. (Scotland) Act 1994, section 108.

(4) Section 10(3) of Schedule 4 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 15, paragraph 27 and by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 2

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan are—

Work No. 1	An intake structure located at National Grid Reference NR 94414972.
Work No. 2	A raw water main from the intake on the Allt Easan Biorach to the new Treatment Works via the gauge at Work No. 3.
Work No. 3	A gauge to measure and record the amount of water taken from the river and the rate at which the said amount was taken located at national Grid Reference NR 94264989.
Work No. 4	A discharge pipe from the works located at National Grid Reference NR 94274992.

SCHEDULE 2

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in Article 3 of this Order are—

Section 2

“In the construction of the works described in Schedule 1 to the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999, the West of Scotland Water Authority may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked “The West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 Plan of Catchment Area, Location Plan and Plans and Sections of Work Nos. 1 4” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that—

- (a) no structure within the watercourse shall be constructed at a greater height above the general bed level than that shown on the said plan and 150 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 West of Scotland Water Authority—

- (a) fail to construct or maintain in good order any such gauge as is mentioned in the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999, or refuse to allow any person interested 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 West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999,

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they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable, in the case of any 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.”