

SCHEDULE 1

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in this Order are–

Section 2

“In the construction of the works described in Schedule 2 to the North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001 the Authority may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan and they may deviate vertically from the levels shown on the said deposited plan to any extent:

Provided that–

- (a) no control building shall be constructed at a greater height above the general surface of the ground than that shown on the said plan and 2 metres 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 deposited plan.”; and

Section 10(3)

“If the Authority–

- (a) fail to construct or maintain in good order any such gauge as is mentioned in the North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001, 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 North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001,

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.”.