
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 578

**The Scottish Water (Loch Bealach
na Gaoithe) Water Order 2005**

Citation and commencement

1. This Order may be cited as the Scottish Water (Loch Bealach na Gaoithe) Water Order 2005 and shall come into force on 11th November 2005.

Interpretation

2. In this Order—

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

“approved” means approved by the Scottish Ministers;

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

“deposited plan” means the plan, prepared in triplicate, docquetted and signed as relative to this Order and marked “The Scottish Water (Loch Bealach na Gaoithe) Water Order 2005”, one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, one in the head office of Scottish Water at Castle House, 6 Castle Drive, Carnegie Campus, Dunfermline, Fife, and one in the Scottish Water Fort William Area Office at Carrs Corner Industrial Estate, Lochy Bridge, Fort William;

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

“intake” includes any work by which water is taken by Scottish Water for the purpose of the undertaking;

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002⁽¹⁾;

“undertaking” means the water undertaking for the time being of Scottish Water; and

“works” means the works described in Schedule 1 to this Order and shown on the deposited plan.

Incorporation and application of provisions of Schedule 4 to the Act

3. The provisions of paragraphs 2 and 10(3) 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 insofar as affected by the provisions of this Order, and the terms used in the provisions of that paragraph, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

(1) 2002 asp 3. The 2002 Act was amended by the [Water Services etc. \(Scotland\) Act 2005 \(2005 asp 3\)](#).

(2) Paragraph 2 of Schedule 4 was amended by the [Roads \(Scotland\) Act 1984 \(c. 54\)](#), Schedule 9, paragraph 81(15)(a); paragraph 10(3) 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.

Water rights

4. Subject to the provisions of this Order, Scottish Water may for the purposes of the undertaking and by means of an existing intake situated at Ordnance Survey National Grid Reference 168345 776681, take water from Loch Bealach na Gaoithe in the area of the Highland Council.

5.—(1) During the construction of the works, Scottish Water may take from Loch Bealach na Gaoithe such water as it may require for such construction.

(2) After completion of the works, Scottish Water may, in any day, take from Loch Bealach na Gaoithe a quantity of water not greater than 160 cubic metres, as measured and recorded by an approved gauge (Work No. 3).

6. If the power to take water conferred by this Order has not been exercised by 31st December 2007 the said power shall cease.

Revocation

7. The Inverness shire Water Board (Bealach na Gaoithe) Water Order 1969(3) is revoked with effect from 31st December 2007.

Victoria Quay, Edinburgh
9th November 2005

ANDREW SCOTT
A member of the staff of the Scottish Ministers