
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 152

The Scottish Water (Allt an Lagain) Water Order 2006

Citation and commencement

1. This Order may be cited as the Scottish Water (Allt an Lagain) Water Order 2006 and shall come into force on 14th March 2006.

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, docketed and signed as relative to this Order and marked “The Scottish Water (Allt an Lagain) Water Order 2006”, 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 Inverness Area Office, at 31 Henderson Drive, Longman North, Inverness;

“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 those paragraphs, 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, Scottish Water may for the purposes of the undertaking and by means of an intake shown on the deposited plan and which is located at Ordnance Survey

(1) 2002 asp 3, as amended by the [Water Services etc. \(Scotland\) Act 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) 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.

National Grid Reference NC4105 5925, take water from the Allt an Lagain in the area of the Highland Council.

5.—(1) During the construction of the works, Scottish Water may take from the Allt an Lagain, such water as it may require for such construction.

(2) After completion of the works, in any day when the flow in the Allt an Lagain, as measured at the intake referred to in article 4 is—

- (a) equal to or greater than 225 cubic metres, Scottish Water may take from the said Allt an Lagain, a quantity of water not greater than 44 cubic metres, all as measured and recorded by an approved gauge (Work No. 1); and
- (b) less than 225 cubic metres, Scottish Water may not take from the said Allt an Lagain, water otherwise than will ensure a flow of not less than 181 cubic metres a day is maintained in the Allt an Lagain, as measured at the intake, and as regulated by the v-notch weir and as measured by a staging post.

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 Sutherland County Council (Allt an Lagain) Water Order, 1954(3) is revoked with effect from 31st December 2007.

Victoria Quay,
Edinburgh
13th March 2006

R IRVINE
A member of the staff of the Scottish Ministers