
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 360

The Scottish Water (Abhainn Dhubh) Water Order 2006

Citation and commencement

1. This Order may be cited as the Scottish Water (Abhainn Dhubh) Water Order 2006 and shall come into force on 21st June 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 (Abhainn Dhubh) Water Order 2006”, one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, one copy in the head office of Scottish Water at Castle House, 6 Castle Drive, Carnegie Campus, Dunfermline, Fife, and one copy in the Scottish Water Portree Area Office, Dunvegan Road, Portree, Isle of Skye;

“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, 10(3) and 10(4) 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 existing intake shown on the deposited plan and 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 NG 429 624, take water from the Abhainn Dhubh in the area of the Highland Council.

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

(2) After completion of the works, in any day when the flow in the Abhainn Dhubh is—

- (a) equal to or greater than 301 cubic metres per day, Scottish Water may take from the Abhainn Dhubh a quantity of water not greater than 256 cubic metres, as measured and recorded by an approved gauge (Works No. 4);
- (b) less than 301 cubic metres per day, Scottish Water shall not take water from the Abhainn Dhubh such as to cause a flow of less than 45 cubic metres of water to be maintained, all as measured by a marked v notch weir (Works No. 2) contained within an abstraction chamber located at Ordnance Survey National Grid Reference NG 428 625.

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 County of Inverness (Abhainn Dhubh, Glen Uig, Skye) Water Order 1963(3) is revoked with effect from 31st December 2007.

Victoria Quay,
Edinburgh
16th June 2006

R IRVINE
A member of the staff of the Scottish Ministers