

## SCHEDULE 2

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

1. For paragraph 10(3) of Schedule 4, substitute–

“If Scottish Water–

- (a) fails to construct or maintain in good order any such gauge as is mentioned in the Scottish Water (Loch Horn and Loch Lunndaidh) Water Order 2007, or refuses to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by it in connection therewith or to take copies of any such records; or
- (b) takes any water contrary to the provisions of the Scottish Water (Loch Horn and Loch Lunndaidh) Water Order 2007,

it shall, without prejudice to its 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.”.

2. In paragraph 10(4) of Schedule 4, for the definition of “gauge”, substitute–

““gauge” includes a gauge, weir or other apparatus for measuring the flow of water and the flowmeter to be installed as part of Works Nos. 1 to 3 specified in Schedule 1 to the Scottish Water (Loch Horn and Loch Lunndaidh) Water Order 2007.”.