

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan are:

Works No. 1	Installation of a new fish pass, incorporating an adjustable penstock in the Hunto Dam (located at Ordnance Survey National Grid Reference HY 25570 27165) and the installation of a level measurement device.
Works No. 2	Installation of two new pumps (to be located within the existing pumping station located at Ordnance Survey National Grid Reference HY 26914 25429), to pump water from the existing inlet (located at Ordnance Survey National Grid Reference HY 26951 25451) to the existing water treatment works (located at Ordnance Survey National Grid Reference HY 26887 25392).
Works No. 3	Installation of an approved gauge (to measure and record the flow abstracted from the Loch of Boardhouse), to be housed in the existing water treatment works referred to at Works No. 2 above, and which are located at Ordnance Survey National Grid Reference HY 26887 25392.

SCHEDULE 2

Article 3

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

1. For paragraph 2 of Schedule 4 there is substituted–

“In the construction of the works described in Schedule 1 to the Scottish Water (Loch of Boardhouse) Water Order 2008, Scottish Water may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan and it may deviate vertically from the levels shown on the 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 deposited 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 deposited plan.”.

2. For paragraph 10(3) of Schedule 4 there is substituted–

“If Scottish Water–

- (a) fails to construct or maintain in good order any such gauge as is mentioned in the Scottish Water (Loch of Boardhouse) Water Order 2008, or refuses to allow any person

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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 of Boardhouse) Water Order 2008,

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.”.