

SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purposes of, this Order are—

Section 2

In the construction of the works the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans marked “The Grampian Regional Council (Spey Abstraction Scheme) Water Order 1992 Plan of Works” and “The Grampian Regional Council (Spey Abstraction Scheme) Water Order 1992 Part of Work No 1: Proposed Wellhead Chamber, Work No 2: Control Building Incorporating Recording Apparatus for Approved Gauges at Work No 4, Work No 3: Control Building, Work No 4: Chamber containing Approved Gauges” and they may also deviate vertically from the levels shown on the deposited plans to any extent:

Provided that—

- (a) no control buildings shall be constructed at a greater height above the surface of the ground than that shown on the second aforementioned plan and 2 metres in addition thereto; and
- (b) except for the purpose of crossing a stream or watercourse, 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 that plan.

Section 10(3)

If the Council—

- (a) fail to install or maintain in good order any such gauge as is mentioned in the Grampian Regional Council (Spey Abstraction Scheme) Water Order 1992, or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or
- (b) take any water contrary to the provisions of the Grampian Regional Council (Spey Abstraction Scheme) Water Order 1992,

they shall, without prejudice to their 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.

Section 10(4)

For the purpose of this section as applied by the Grampian Regional Council (Spey Abstraction Scheme) Water Order 1992, a fishery district board shall be deemed to be interested in the flow of water in any stream within their fishery district or any stream feeding such a stream and shall be deemed to be aggrieved by the commission of an offence under this section as applied by the said Order in relation to any such stream.