

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 plan marked “The Strathclyde Regional Council (Kilduskland) Water Order 1994 Location Plan, Plans and Sections of Works Nos. 1, 2 and 3” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that—

- (a) no weir across a watercourse shall be constructed at a greater height above the general bed level of a watercourse than that shown on the said plan and 100 millimetres 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 said plan.

Section 10(3)

If the Council—

- (a) fail to instal or maintain in good order any such gauge as is mentioned in the Strathclyde Regional Council (Kilduskland) Water Order 1994, 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 S trathclyde Regional Council (Kilduskland) Water Order 1994,

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 purposes of this section as applied by the Strathclyde Regional Council (Kilduskland) Water Order 1994 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.

Section 10(5)

The provisions of this Order shall be deemed to have been accepted by all persons interested as providing full compensation for all water impounded or abstracted by the works.