
STATUTORY INSTRUMENTS

1994 No. 3309 (S.196)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (the Ayr Burgh Act 1885) (Amendment) Water Order 1994

<i>Made</i>	- - - -	<i>22nd December</i>
		<i>1994</i>
<i>Coming into force</i>	- -	<i>1st January 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 107(1)(b) and 107(3) of the Water (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, on the application of the Strathclyde Regional Council, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Strathclyde Regional Council (the Ayr Burgh Act 1885) (Amendment) Water Order 1994, and shall come into force on 1st January 1995.

Interpretation

2. In this Order the expression “the Act of 1885” means the Ayr Burgh Act 1885(2).

Amendment of the Act of 1885

3. The provisions of the Act of 1885 shall have effect subject to the amendments specified in the Schedule to this Order.

Miscellaneous

4. The Regional Council shall at all times after the expiration of six months from the date on which this Order comes into force keep at the office of the Chief Executive of the Council a copy thereof and one copy of the plan marked “The Strathclyde Regional Council (the Ayr Burgh Act 1885) (Amendment) Water Order 1994 Plan.”

(1) 1980 c. 45; see section 109(1) for the definition of “local enactment”.
(2) 1885 c.lxxiii (48 & 49 Vict.).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Scottish Office Environment Department 27
Perth Street,
Edinburgh
22nd December 1994

T D Macdonald
Deputy Chief Engineer Scottish Office

SCHEDULE

Article 3

AMENDMENT OF THE AYR BURGH ACT 1885

1. In section 5 (interpretation) there shall be added the following definitions:—

“the Act of 1980” means the Water (Scotland) Act 1980;

“the Council” means the Strathclyde Regional Council as water authority;

“the transfer scheme works” means Works Nos. 5 and 6 described in section 6 of the Ayr Burgh (Water etc) Order Confirmation Act 1927⁽³⁾ and already constructed, together with the works described in the Seventh Schedule to this Act which the Council, in exercise of the powers conferred upon them by section 21 of the Act of 1980, and in the lines and situations and according to the levels shown on the scheme plan, propose to construct and maintain for the purpose of providing a supply of water within their limits of supply when they have acquired the necessary land or sufficient rights therein;

“day” means a period of 24 hours reckoned from midnight;

“scheme plan” means the plan prepared in duplicate, docqueted and signed as relative to the Strathclyde Regional Council (the Ayr Burgh Act 1885) (Amendment) Water Order 1994 and marked “The Strathclyde Regional Council (the Ayr Burgh Act 1885) (Amendment) Water Order 1994 Plan”, one copy of which is deposited in the Scottish Office, New St Andrew’s House, Edinburgh, and the other in the office of the Chief Executive of the Council at Glasgow;

“gauge” includes a gauge weir or other apparatus for measuring the flow of water or measuring the level of a loch;

“approved” means approved by the Secretary of State.

2.—(1) In section 28, there shall be inserted at the beginning the words “Subject to section 28A below,”.

(2) There shall be inserted after section 28 a new section as follows:—

“Period for completion of works described in the Seventh Schedule

28A. If the works described in the Seventh Schedule to this Act are not completed by 31 December 2004 then after that date the powers granted by this Act to the Council in respect of the said works shall cease to be exercised except in respect of so much of the said works as shall then be completed.”.

3.—(1) In section 30 there shall be inserted at the beginning the words “Subject to section 30A below,”.

(2) There shall be inserted after section 30 a new section as follows:—

“30A. In the construction of the works described in the Seventh Schedule to this Act the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the scheme plan and may deviate vertically from the levels shown 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

(3) 1927 c.lx (17 & 18 Geo.5).

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- (b) except for the purpose of crossing a stream, canal, dyke, watercourse or railway, no pipe or other conduit shall be raised above the surface of the ground otherwise than in accordance with the said plan.”.

4. There shall be inserted after section 36 a new section as follows:–

“Further powers to take water

36A. –

(1) The Council may by means of the transfer scheme works–

- (a) at the east end of the loch known as Loch Finlas discharge into Loch Finlas water conducted thereto from the loch known as Loch Riecawr;
- (b) discharge into the loch known as Derclach Loch water conducted thereto from Loch Finlas;
- (c) by means of a dam with an overflow sill at the outlet of Derclach Loch (Work No.4 within the meaning of the Seventh Schedule to this Act) raise the level of Derclach Loch by approximately 150 mm;
- (d) for the purposes of the undertaking and subject to subsection (2) below, take from Derclach Loch in any one day a quantity of water not greater than 34,000 cubic metres as measured through or over an approved gauge (Work No.8 within the said meaning).

(2) The Council shall not take a quantity of water from Derclach Loch as measured through or over an approved gauge (Work No.8 within the said meaning) which exceeds the quantity of water discharged thereto from Loch Finlas as measured through or over an approved gauge (Work No.7 within the said meaning) and shall take and discharge the said amounts of water in a constant and uniform manner simultaneously at Derclach Pumping Station (Work No.5 within the said meaning) and Finlas Pumping Station (Work No.2 within the said meaning) respectively.

(3) After construction of the works described in the Seventh Schedule to this Act the Council shall not take water–

- (a) from Loch Finlas during any period when the water level in the said loch is below 250.78 metres above Ordnance Datum;
- (b) from Derclach Loch during any period when the water level in the said loch is below 254.70 metres above Ordnance Datum.

(4) If the Council–

- (a) fail to install or maintain in good order any such gauge as is mentioned in the Seventh Schedule to this Act 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 this section;

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.

(5) For the purposes of this section 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.”.

5. In section 38 after the words “in every day of twenty four hours” there shall be inserted the words “, which compensation water shall be measured and recorded by an approved gauge (Work No.9 within the meaning of the Seventh Schedule to this Act)”.

6. There shall be inserted a new Seventh Schedule as follows:–

“THE SEVENTH SCHEDULE

The works referred to in section 5 of this Act as proposed to be constructed by the Council and which are shown on the scheme plan are:–

Work No.1

A 600 mm diameter discharge pipe situated at the east end of Loch Finlas at a point 110 metres or thereby north-west of the outlet of Loch Finlas to the Garpel Burn.

Work No.2

An 800 mm diameter intake pipe and pumping station at the west end of Loch Finlas at a point 260 metres or thereby east south-east of Work No.4.

Work No.3

A 600 mm diameter pumping main and discharge pipe situated at the east end of Derclach Loch at a point 50 metres or thereby south south-west of Work No.4.

Work No.4

An overflow sill at a level of 255.150 metres above Ordnance Datum or thereby at the outlet of Derclach Loch to Loch Finlas.

Work No.5

An 800 mm intake pipe and pumping station at the west end of Derclach Loch at a point 600 metres or thereby south-east by east of Bradan Cottages.

Work No.6

An approved gauge for measuring the amount of water discharged by the discharge pipe (Work No.1).

Work No.7

An approved gauge for measuring the amount of water abstracted by the intake pipe (Work No.2) and discharged by the discharge pipe (Work No.3).

Work No.8

An approved gauge for measuring the amount of water abstracted by the intake pipe (Work No.5).

Work No.9

An approved gauge for measuring the amount of water discharged as compensation water down the Garpel Burn.”