STATUTORY INSTRUMENTS

1975 No. 272 (S. 35)

WATER SUPPLY, SCOTLAND

The South-West of Scotland Water Board (Glentrool) Water Order 1975

Made - - - -	*21st February* 1975
Coming into Operation	*28th February* 1975

The Secretary of State, in exercise of the powers conferred on him by sections 21(2) and 44(1) of the Water (Scotland) Act 1946(**a**), as amended by the Water (Scotland) Act 1949(**b**) and the Water (Scotland) Act 1967(**c**), and of all other powers enabling him in that behalf, on the application of the South-West of Scotland Water Board, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the South-West of Scotland Water Board (Glentrool) Water Order 1975 and shall come into operation on 28th February 1975.

Interpretation

2. In this order, unless the context otherwise requires:—

"the Act" means the Water (Scotland) Act 1946;

"approved" means approved by the Secretary of State;

"Board" means the South-West of Scotland Water Board;

"deposited plans" means the two plans prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively "The South-West of Scotland Water Board (Glentrool) Water Order 1975 Plan of Catchment Area" and "The South-West of Scotland Water Board (Glentrool) Water Order 1975 Plan of Works", one copy of each of which is deposited in the office of the Scottish Development Department, St. Andrew's House, Edinburgh, and the other in the office of the Clerk to the Board at Dumfries;

"gauge" includes a gauge weir or other apparatus for measuring the flow of water;

"intake" includes any work by which water is taken by the Board for the purposes of the undertaking;

"undertaking" means the water undertaking for the time being of the Board;

"works" means the existing weir and intake, described as Work No. 1 in Schedule 1 to this order, which the Board propose to acquire, reconstruct and maintain and an approved gauge, described as Work

(a) 1946 c. 42. (b) 1949 c. 31. (c) 1967 c. 78.

No. 2 in Schedule 1 to this order, which the Board propose to instal and maintain in exercise of the powers conferred on them by section 24 of the Act, with the consent of the Secretary of State and in the lines and situations and according to the levels shown on the deposited plan marked "The South-West of Scotland Water Board (Glentrool) Water Order 1975 Plan of Works", for the purpose of providing a supply of water within their region when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of provisions of the Fourth Schedule to the Act

3. The provisions of section 10(3) and (4) of Part III of the Fourth Schedule to the Act modified and adapted in terms of section 44(1) of the Act and set out in Schedule 2 to this order apply to the undertaking in so far as affected by the provisions of this order.

PART II

Water rights

4. Subject to the provisions of this order, the Board may, for the purposes of the undertaking and by means of the works, take water from the stream known as the Butter Burn in the Parish of Minnigaff and County of Kirkcudbright.

5.—(1) During the reconstruction of the works the Board may take from the said Butter Burn such water as they may require for such reconstruction.

(2) After the completion of the works the Board shall not—

(*a*) in any year reckoned from 1st January to 31st December take from the said Butter Burn a quantity of water greater than 27,250 cubic metres as measured through or over an approved gauge (Work No. 2);

(*b*) in any day of 24 hours reckoned from midnight take from the said Butter Burn a quantity of water greater than 90 cubic metres as measured through or over the said approved gauge (Work No. 2).

6. If the power to take water conferred by this order has not been exercised within ten years from the date on which this order comes into operation, the said power shall cease.

PART III

Miscellaneous

7. The Board shall at all times after the expiration of six months from the date on which this order comes into operation keep at their principal office a copy thereof and one copy of each of the deposited plans.

Given under the seal of the Secretary of State for Scotland.

John Kerr,
Assistant Secretary.

Scottish Development Department,
St. Andrew's House,
Edinburgh.

21st February 1975.

Article 2

SCHEDULE 1

The works referred to in this order and shown on the deposited plan marked "The South-West of Scotland Water Board (Glentrool) Water Order 1975 Plan of Works" are:—

WORK No. 1

An existing weir and intake, sill level 238.84 metres or thereby above Ordnance Datum, situated on the stream known as the Butter Burn 220 metres or thereby west of the point where the public road C.19 leading north from Glentrool Village crosses the said Butter Burn.

WORK No. 2

An approved gauge, for measuring the quantity of water taken by the Board, situated on the raw water main on the south bank of the said Butter Burn 10 metres or thereby downstream of the existing weir and intake (Work No. 1).

Article 3

SCHEDULE 2

The provisions of the Fourth Schedule to the Act referred to in this order are :—

Section 10(3)

If the Board—

(*a*) fail to instal or maintain in good order any such gauge as is mentioned in this order, or refuse to allow any person interested to inspect or 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 order,

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 £50 in respect of each day on which the offence has been committed or has continued, and in the case of an offence under paragraph (*b*) of this subsection—

(i) on summary conviction, to a fine not exceeding £50 in respect of each such day; and

(ii) on conviction on indictment, to a fine not exceeding £500 in respect of each such day.

Section 10(4)

For the purposes of this order 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 order in relation to any such stream.