STATUTORY INSTRUMENTS

# 1975 No. 862 (S. 153)

# WATER SUPPLY, SCOTLAND

## The North-East of Scotland Water Board (Ugie) Water Order 1975

| | |
|---|---|
| *Made* - - - | 13*th May* 1975 |
| *Coming into Operation* | 20*th May* 1975 |

The Secretary of State, in exercise of the powers conferred on him by sections 21(2), 44(1) and 75 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 North-East of Scotland Water Board, hereby makes the following order:—

### PART I

*Citation and commencement*

**1.** This order may be cited as the North-East of Scotland Water Board (Ugie) Water Order 1975 and shall come into operation on 20th May 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 North-East of Scotland Water Board;

"day" means a period of 24 consecutive hours reckoned from midnight;

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

"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;

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

"works" means the existing works described in Part I of Schedule 1 this order and shown on the deposited plan marked "The North-E of Scotland Water Board (Ugie) Water Order 1975 Plan and Sectio of Works", and the works described in Part II of Schedule 1 to th order, which the Board in exercise of the powers conferred on ther 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 North-East of Scotland Water Board (Ugie) Water Order 1975 Plan and Sections of Works", propose to construct and maintain 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 2 of Part II and 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.

*Revocation of order of 1968*

**4.** The Peterhead Town Council (Ugie) Water Order 1968(**a**) shall cease to have effect on the date on which the Board commence taking water under article 5 of this order.

## PART II

*Water rights*

**5.** Subject to the provisions of this order, the Board may, for the purposes of the undertaking take water by means of the works from the river known as the River Ugie in the Parishes of Peterhead and St. Fergus and County of Aberdeen.

**6.**—(1) During the construction of the works the Board may take from the said River Ugie such water as they may require for such construction.

(2) After the completion of the works the Board shall observe the following conditions:—

(*a*) The quantity of water taken by the Board from the existing supply intake (Part of Work No. 1) in any period of 12 consecutive months shall not exceed 10,000,000 cubic metres.

(*b*) The rate at which water is taken by the Board as measured through/or over the existing approved gauge (Part of Work No. 2) from the said existing supply intake (Part of Work No. 1) shall not exceed 36,500 cubic metres per day during the months of December to June inclusive, or 32,000 cubic metres per day during the months of July to November inclusive and shall always be such that the residual flow, measured through or over an existing approved gauge (Part of Work No. 1) is not less than 13,700 cubic metres per day.

(**a**) S.I. 1968/799.

(*c*) Water shall not be taken by the Board from the said existing supply intake (Part of Work No. 1) at a rate greater than 32,000 cubic metres per day for a longer period than 4 consecutive days.

(*d*) Following a period during which water is taken by the Board from the said existing supply intake (Part of Work No. 1) at a rate greater than 32,000 cubic metres per day, the Board shall not take water at a rate greater than 29,500 cubic metres per day for a period of 3 consecutive days.

(*e*) When the rate of flow in the said River Ugie is such that after taking water from the said existing supply intake (Part of Work No. 1) the residual flow, measured through or over the said existing approved gauge (Part of Work No. 1), is less than 52,500 cubic metres per day, the Board shall, unless otherwise agreed between them and the Ugie District Salmon Fishery Board, take water from the tidal estuary of the said River Ugie by means of the recirculation intake (Part of Work No. 4) and discharge it to a fish pass (Part of Work No. 1) at a rate measured through or over an approved gauge (Part of Work No. 4) which is 4,500 cubic metres per day less than the rate at which water is taken by the Board from the said existing supply intake (Part of Work No. 1). The maximum rate at which water shall be taken from the tidal estuary as aforesaid shall be 27,500 cubic metres per day.

(*f*) For the purpose of measuring the quantities of water and rates of flow stipulated in the foregoing subparagraphs (*a*) to (*e*) the Board shall instal an approved gauge (Part of Work No. 4) and make such modifications as are required to the existing approved gauges which are installed in the existing supply intake (Part of Work No. 1) and in the existing pumping station (Work No. 2).

(*g*) The Board shall record such rates of flow and quantities as are necessary to demonstrate compliance with the provisions of this order and shall make such records available for inspection by interested parties during normal working hours.

**7.** 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*

**8.** 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,
New St. Andrew's House,
Edinburgh.
13th May 1975.

Art

## SCHEDULE 1

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

### PART I

*Work No. 1*

An existing supply intake with weir, screens and fish pass, incorporating an approved gauge on the river known as the River Ugie to measure the residual flow in the said River Ugie, with access road thereto and situated at a point 200 metres or thereby measured in a straight line west-north-west from where the bridge known as Balmoor Bridge on the public road A.952 from Peterhead to Fraserburgh crosses the said River Ugie.

*Work No. 2*

An existing pumping station, incorporating an approved gauge to measure the quantity of water taken by the Board, with access road thereto, and situated 150 metres or thereby south-south-west of the existing supply intake (Part of Work No. 1).

*Work No. 3*

An existing pipe culvert connecting the existing supply intake (Part of Work No. 1) with the existing pumping station (Work No. 2).

### PART II

*Work No. 4*

A recirculation intake with screens and pumping station, incorporating an approved gauge to measure the amount of water recirculated by the Board, with access road thereto and situated 1,220 metres or thereby measured in a straight line south-east of the said Balmoor Bridge.

*Work No. 5*

A recirculation pipeline connecting the recirculation intake (Part of Work No. 4) with the existing supply intake (Part of Work No. 1).

Article 3

## SCHEDULE 2

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

Section 2

In the construction of the works the Board may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked "The North-East of Scotland Water Board (Ugie) Water Order 1975 Plan & Sections of Works" and they may also deviate vertically.

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,

shall, without prejudice to their civil liability, if any, to a person aggrieved, be ..ie, in the case of an offence under paragraph (*a*) of this subsection, on summary viction to a fine not exceeding £50 in respect of each day on which the offence , been committed or has continued, and in the case of an offence under paragraph (*b*) 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.