STATUTORY INSTRUMENTS

1980 No.1272 (S.103)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (Loch an Sgoltaire Reservoir, Colonsay) Water Order 1980

Made - - - -	20*th August* 1980
Coming into Operation	27*th August* 1980

The Secretary of State in exercise of the powers conferred on him by sections 17(2) and 29(1) of the Water (Scotland) Act 1980(a) and of all other powers enabling him in that behalf, on the application of the Strathclyde Regional Council, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Strathclyde Regional Council (Loch an Sgoltaire Reservoir, Colonsay) Water Order 1980 and shall come into operation on 27th August 1980.

Interpretation

2. In this order, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

"the Act" means the Water (Scotland) Act 1980;

"approved" means approved by the Secretary of State;

"Council" means the Strathclyde Regional Council as water authority;

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

"deposited plan" means the plan prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked "The Strathclyde Regional Council (Loch an Sgoltaire Reservoir, Colonsay) Water Order 1980" one copy of which is deposited in the office of the Scottish Development Department, New St. Andrew's House, Edinburgh and the other at the office of the Chief Executive, to the Council in Glasgow;

(a) 1980 c.45.

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

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

"works" means the works described in Schedule 1 to this order which the Council, in exercise of the powers conferred upon them by Section 21 of the Act, and in the lines and situations and according to the levels shown on the deposited plan, propose to construct and maintain for the purpose of providing a supply of water within their area when they have acquired the necessary lands or sufficient rights therein.

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

3. The provisions of sections 10(3), (4) and (5) (supplementary provisions relating to compensation water) of Part III of the Fourth Schedule to the Act modified and adapted in terms of section 29(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 Council may, by means of a main dam (Work No. 1) and a subsidiary dam (Work No. 2) impound and take the waters of the loch known as Loch an Sgoltaire and of all springs, feeders and tributaries of said loch in a reservoir to be known as Loch an Sgoltaire Reservoir (Work No. 3) all in the Parish of Colonsay and Oronsay in the Island of Colonsay and Argyll and Bute District.

5. Subject to the provisions of this order the Council may take such water as they may require for the purpose of the construction of the works from Loch an Sgoltaire, or from the burn known as Abhuinn Nan Toitteanan, provided that the Council shall not take water from the said Loch nor the said burn so as to reduce the rate of flow in the said burn, below the point of abstraction, to less than 23 cubic metres per day as measured through or over approved gauges, situated in the case of abstraction from the Loch at the outlet to the Loch and in the case of abstraction from the said burn, at the point of abstraction.

6. After the completion of the works, the Council shall discharge from the said Loch an Sgoltaire Reservoir (Work No. 3) into the said Abhuinn Nan Toitteanan Burn, in a uniform and continuous flow, a quantity of water not less than 45.5 cubic metres during each day, as measured through or over an approved gauge incorporated in Work No. 1.

7. During construction and after completion of the works the Council shall make available a supply of water for domestic purposes only, to (a) the premises known as Uragaig small holdings and (b) the premises at Kiloran, and those in Kilchattan situated eastwards of the Kilchattan electricity generating power house, during each day. The amount of water taken for the purpose of such private supplies shall not exceed 4.5 cubic metres per day taken at Work No. 2 and 18 cubic metres per day taken at Work No. 1 measured through or over approved gauges incorporated in the said works.

8. If the power to take water conferred by this order has not been exercised within 10 years from the date on which this order comes into operation, the said power shall cease.

PART III

Miscellaneous

9. The Council shall at all times after the expiry of 6 months from the date on which this order comes into operation keep at the office of the Chief Executive to the council, a copy thereof and of the deposited plan.

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

Eric H. Nicoll,
Deputy Chief Engineer

Scottish Development Department,
New St. Andrew's House,
Edinburgh.
20th August 1980.

(L.S.)

SCHEDULE 1

The works referred to in this order in the Parish of Colonsay and Oronsay, in the Island of Colonsay in Argyll and Bute District and shown on the deposited plan are:—

Work No. 1

A main dam situated on the burn known as Abhuinn Nan Toitteanan 730 metres or thereby north of the point where the said burn passes under the bridge carrying the public road (A870) leading from Kilchattan to Kiloran, the dam incorporating intakes, approved gauges and ancillary works and an overflow at level 60.35 metres above Ordnance Datum or thereby.

Work No. 2

A subsidiary dam incorporating an intake and approved gauge situated 5 metres or thereby north of the existing dam at the northern end of Loch an Sgoltaire.

Work No. 3

A reservoir (Loch an Sgoltaire Reservoir) commencing at the main dam (Work No. 1) and extending over the existing Loch an Sgoltaire and terminating at the subsidiary dam (Work No. 2).

SCHEDULE 2

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

Section 10(3)

If the Council—

(*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 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 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 such 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.

Section 10(5)

The provision of this order shall be deemed to have been accepted by all persons interested as providing full compensation for all water taken by the works.

Printed in England by Brown Knight & Truscott Ltd. and published by Her Majesty's Stationery Office

800/L44 K7 9/80

70p net

ISBN 0 11 007272 3