STATUTORY INSTRUMENTS

1984 No. 989 (S. 96)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984

Made - - - - -	11*th July* 1984
Coming into Operation	18*th July* 1984

The Secretary of State, in exercise of the powers conferred on him by sections 17(2), 29(1) and 107(1)(*b*) 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 (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 and shall come into operation on 18th July 1984.

Interpretation

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

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

"the order of 1952" means the Argyll County Council (Allt Deucheran and Allt Buidhe) Water Order 1952**(b)**;

"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 plans" means the two plans each prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively "The Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 Plan of Catchment Area" and "The Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 Location Plan, Plan and Section 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 Chief Executive to the Council at Glasgow;

(a) 1980 c. 45. **(b)** S.I. 1952/804.

"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 Council for the purposes of the undertaking;

"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 on them by section 21 of the Act and in the lines and situations and according to the levels shown on the deposited plans, 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 lands or sufficient rights therein.

Incorporation and application of provisions of Schedule 4 to the Act

3. The provisions of section 2 of Part II and sections 10(3) and (4) of Part III of Schedule 4 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, for the purposes of the undertaking, take water, by means of an intake (Work A), from the stream known as the Carradale Water and, by means of the weirs and intakes (Works Nos. 1 and 2), from the streams known as Allt Deucheran and Allt Buidhe all in the Argyll and Bute District in the Strathclyde Region.

5.—(1) During the construction of the works, the Council may take from the said Carradale Water such water as they may require for such construction.

(2) After the completion of Works A and B, the Council shall not in any one day take from the said Carradale Water a quantity of water greater than 365 cubic metres as measured through or over an approved gauge incorporated in Work A, subject to the total abstraction from the Carradale Water as authorised by this order and from the Allt Deucheran and Allt Buidhe as authorised by the order of 1952 at no time exceeding a total of 365 cubic metres in any one day as measured through or over an approved gauge being Work B and located between the inlet to Work No. 3 of the order of 1952 and the junction of the pipe leading from Work A with the pipe leading from Works Nos. 1 and 2 of the order of 1952.

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

Amendment of the order of 1952

7. Article 5(2) of the order of 1952 shall be amended as follows:—

(*a*) For the words "fifty thousand gallons" where they occur therein there shall be substituted the words "365 cubic metres".

(*b*) The following additional words shall be inserted at the end thereof "subject to the total abstraction from the Allt Deucheran and the Allt Buidhe as authorised by this order and from the Carradale Water as authorised by the Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 at no time exceeding a total of 365 cubic metres in any one day as measured through or over an approved gauge located between the inlet to Work No. 3 of this order and the junction of the pipe leading from Work A of the Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 with the pipe leading from Works Nos. 1 and 2 of this order".

Miscellaneous

8. The Council shall at all times after the expiration of six 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 one copy of each of the deposited plans.

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

L.S.

Eric H. Nicoll,
Deputy Chief Engineer.

Scottish Development Department,
New St. Andrew's House,
Edinburgh.
11th July 1984.

SCHEDULE 1 Article 2

The works referred to in this order and shown on the deposited plan marked "The Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984 Location Plan, Plan and Section of Works" are—

Work A

An intake incorporating an approved gauge situated on the east side of Carradale Water and located adjacent to the existing filter station at Brackley (Work No. 3, 1952 order) and upstream of the ford below Auchenfraoch Pool.

Work B

An approved gauge located between the inlet to Work No. 3 of the order of 1952 and the junction of the pipe leading from Work A with the pipe leading from Works Nos. 1 and 2 of the order of 1952.

SCHEDULE 2 — Article 3

The provisions of Schedule 4 to the Act referred to in 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 (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984, Location Plan, Plan and Section of Works" and they may also deviate vertically from the levels shown on the said deposited plan to any extent:

Provided that except for the purpose 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.

Section10(3)

If the Council—

(*a*) fail to install or maintain in good order any such gauge as is mentioned in the Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984, 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 Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984,

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 £400 and in the case of an offence under paragraph (*b*) of this subsection—

(i) on summary conviction, to a fine not exceeding £2,000; and

(ii) on conviction on indictment, to a fine.

Section 10(4)

For the purposes of the Strathclyde Regional Council (Carradale Water, Kintyre) and (Allt Deucheran and Allt Buidhe) (Amendment) Water Order 1984, 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 the said order in relation to any such stream.

Printed in the UK for HMSO
800 A750 WO K26 C8 7/84

75p net

ISBN 0 11 046989 5