
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 236

WATER SUPPLY

The West of Scotland Water Authority
(Dalmally, River Strae) Water Order 2000

Made - - - - 10th July 2000

Coming into force in accordance with Article 1

The Scottish Ministers, in exercise of the powers conferred upon them by sections 17(2), 29(1) and 107(1)(b) of the Water (Scotland) Act 1980(1) and of all other powers enabling them in that behalf, on the application of the West of Scotland Water Authority, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the West of Scotland Water Authority (Dalmally, River Strae) Water Order 2000 and subject to paragraph (2), shall come into force on 17th July 2000.

(2) Article 8 shall come into force on the expiry of the period of 90 days beginning with the day on which water is first taken by the Authority in terms of articles 4 and 5(2) of this Order.

Interpretation

2. In this Order—

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

“approved” means approved by the Scottish Ministers;

“the Authority” means the West of Scotland Water Authority established under section 62 of the Local Government etc. (Scotland) Act 1994(2);

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

“deposited plan” means the plan, prepared in duplicate, docketed and signed as relative to this order and marked “The West of Scotland Water Authority (Dalmally, River Strae) Water Order 2000, Plan of Catchment Area, Location Plans and Plans and Sections of Works”, one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, and the other in the office of the Chief Executive of the Authority at 419 Balmore Road, Glasgow, G22 6NU;

(1) 1980 c.45; section 17(2) and section 107(1)(b) were amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119; see section 109(1) for definition of “local enactment”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the section 53 of the Scotland Act 1998 (c. 46).

(2) 1994 (c. 39).

“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 Authority for the purposes of the undertaking;

“undertaking” means the water undertaking for the time being of the Authority;

“works” means the works described in Schedule 1 to this Order, which the Authority, in exercise of the powers conferred on them by section 21 of the Act⁽³⁾, and in the lines and situations and according to the general dimensions shown on the deposited plan, propose to construct and maintain for the purpose of providing a supply of water when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of the provisions of Schedule 4 to the Act

3. The provisions of section 10(3) of Schedule 4 to the Act⁽⁴⁾, modified and adapted to read as set out in Schedule 2 to this Order, shall apply to the undertaking insofar as affected by the provisions of this Order, and the terms used in the provisions of that section, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

Water rights

4. Subject to the provisions of this Order, the Authority may, for the purposes of the undertaking, take water from the river known as the River Strae, in the Argyll and Bute Council area, by means of the intake structure of the works.

5.—(1) During the construction of the works the Authority may take from the said River Strae such water as they may require for such construction.

(2) After completion of the work, the Authority may take from the River Strae, in any day, a quantity of water not exceeding 720 cubic metres, as measured and recorded by an approved gauge (part of works), at a rate not exceeding 500 litres per minute.

6. If the power to take water conferred by this Order has not been exercised by 17th July 2010 the said power shall cease.

Miscellaneous

7. The Authority shall at all times after 17th January 2001 keep at the office of the Chief Executive to the Authority a copy of this Order and a copy of the deposited plan.

Revocation of Order of 1961

8. The Argyll County Council (Allt Mhoille, Dalmally) Water Order 1961 is hereby revoked.

Victoria Quay,
Edinburgh
10th July 2000

MIKE NEILSON
A member of the staff of the Scottish Ministers

(3) Section 21 was substituted by the Local Government etc. (Scotland) Act 1994, section 108.

(4) Section 10(3) was amended by the Criminal Justice Act 1982 (c. 40), Schedule 15, paragraph 27 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 2.

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The West of Scotland Water Authority (Dalmally, River Strae) Water Order 2000, Plan of Catchment Area, Location Plans and Plans and Sections of Works” are–

Works

An intake pipe 8 metres or thereby in length leading from the north bank of the River Strae to a structure incorporating a maximum flow rate limiting device, pumps and an approved gauge to measure and record the amount of water taken from the river and the rate at which the said amount was taken.

SCHEDULE 2

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in Article 3 of this Order are–

Section 10(3)

“If the West of Scotland Water Authority–

- (a) fail to construct or maintain in good order any such gauge as is mentioned in the West of Scotland Water Authority (Dalmally, River Strae) Water Order 2000, 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 that 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 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; or
- (ii) on conviction on indictment, to a fine.”.