

SCHEDULE 2

2. For paragraph 10(3) of Schedule 4 there is substituted—

“If Scottish Water—

- (a) fails to construct or maintain in good order any such gauge as is mentioned in the Scottish Water (Loch a'Bhaid Luachraich) Water Order 2005, or refuses to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by it in connection therewith or to take copies of any such records; or
- (b) takes any water contrary to the provisions of the Scottish Water (Loch a'Bhaid Luachraich) Water Order 2005,

it shall, without prejudice to its 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; and
- (ii) on conviction on indictment, to a fine.”.