

ELIZABETH II



1963 CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Scottish Pulp Mill (Water Supply).

[28th February 1963.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Scottish Pulp Mill (Water Short title. Supply) Order Confirmation Act 1963.

SCHEDULE

SCOTTISH PULP MILL (WATER SUPPLY)

Provisional Order to empower Scottish Pulp (Development) Limited to take for industrial purposes water discharged from works of the Lochaber Power Company, and for other purposes.

Whereas—

(1) Scottish Pulp (Development) Limited (hereinafter called “the Company”) is a company within the meaning of the Companies Act, 1948, and is a company limited by shares :

(2) It is proposed that a new pulp mill and other works should be developed at Annat Point in the parish of Kilmallie in the county of Inverness :

(3) With a view to ensuring a supply of water for the purposes of the said pulp mill and other works it is expedient that the Company should be empowered to take water discharged from works of the Lochaber Power Company and that the continuance of such supply of water should be assured in manner provided in this Order :

(4) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act, 1936 :

Now therefore, in pursuance of the powers contained in the said Act, the Secretary of State orders as follows :—

Short title. 1. This Order may be cited as the Scottish Pulp Mill (Water Supply) Order, 1963.

Interpretation. 2. In this Order, unless the subject or context otherwise requires—

“the Company” means Scottish Pulp (Development) Limited or, in the event of the rights conferred upon the Company under this Order being transferred to any person under the provisions of section 5 (Power to transfer rights) of this Order, that person ;

“the Company’s pumping station” means any pumping station constructed by the Company at Inverlochty in the parish of Kilmonivaig, in the county of Inverness in enclosure numbered 483 on the 1/2500 ordnance map of Inverness-shire sheet CL.4 (second edition of 1900) and any intake constructed in connection therewith at a point on the right bank of the tailrace between the railway bridge carrying the railway from Fort William to Banavie over the tailrace and the outfall of the tailrace into the estuary of the river Lochy ;

“ the mill at Annat Point ” means the wood pulp mill to be constructed at Annat Point in the parish of Kilmallie in the county of Inverness and includes any undertaking at Annat Point operated in association with the undertaking operated at the said wood pulp mill ;

“ tailrace ” means the channel or watercourse constructed and owned by the Lochaber Power Company by which water is discharged from their works near Inverlochy in the county of Inverness into the estuary of the river Lochy.

3. When the Company has acquired such lands, or servitudes or rights therein, as may be required for the construction of the Company's pumping station and has constructed the pumping station, it may take and divert by means of the pumping station and use and appropriate for the purposes of the mill at Annat Point—

- (a) unless and until the provisions of section 4 (Right to receive flow in tailrace) of this Order have effect, such water as will be available to the Company in the tailrace by agreement with the Lochaber Power Company or its assignees ; and
- (b) if and as from the date when the provisions of the said section 4 have effect, such water as will be available to the Company under and in pursuance of the provisions of that section :

Provided that the Company shall not in any event so take and divert water at a rate exceeding fifty million gallons per day.

4. If at any time, in pursuance of a notice given under section 110 (Purchase of undertaking) of the Lochaber Water Power Act, 1921, the undertaking authorised by the Lochaber Water Power Acts, 1921 to 1940, is purchased, the following provisions shall, from and after the date of such purchase, have effect :—

- (1) Notwithstanding anything in the said Acts of 1921 to 1940, the person who for the time being has the right to take, appropriate and use water by means of the works authorised by those Acts shall discharge water into the tailrace in such quantities and in such manner as shall be necessary to maintain at all times in the tailrace, at the intake forming part of the Company's pumping station, a flow of water of not less than one hundred cubic feet per second, or, if the Company shall give notice to that person that it requires a flow of water less than one hundred cubic feet per second, such less flow for such time as shall be specified in the notice, for the purpose of the taking of water by the Company :

Provided that such person as aforesaid shall not be under any obligation under this section so to discharge water, or so to discharge water in such quantities as aforesaid, (as the case may be)—

- (i) if prevented by unavoidable accident or other unavoidable cause ; or
- (ii) if, and for so long as, the Company does not require a flow of water in the tailrace :

(2) So long as the Company requires a flow of water in the tailrace, all water discharged into the tailrace shall, so far as is reasonably practicable and unless otherwise agreed by the Company, be of the same quality as the water taken by the person referred to in paragraph (1) of this section before it is used by that person for the purpose for which it is so taken.

Power to transfer rights.

5. The Company may transfer to any person the rights conferred upon it by this Order and the person to whom such rights are transferred, to the extent authorised by the instrument of transfer, shall have and may exercise all or any of the powers so conferred or which the Company has or might exercise under this Order.

Costs of Order.

6. All costs, charges and expenses of, and incidental to, the preparing for, obtaining and confirming of this Order shall be paid by the Company.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Lochaber Water Power Act 1921	11 & 12 Geo. 5 c. xliv
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52
Companies Act 1948	11 & 12 Geo. 6 c. 38.

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Scottish Pulp Mill (Water Supply) Order Confirmation Act 1963

ARRANGEMENT OF SECTIONS

Section

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2. Short title.

SCHEDULE

SCOTTISH PULP MILL (WATER SUPPLY)

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