
STATUTORY INSTRUMENT

1979 No. 1513 (S. 123)

WATER SUPPLY, SCOTLAND

**The Highland Regional Council (Allt Ratagain)
Water Order 1979**

Made - - - - - 23rd November 1979

Coming into Operation 30th November 1979

The Secretary of State in exercise of the powers conferred on him by sections 21(2) and 44(1) of the Water (Scotland) Act 1946(a) as read with section 148 of and paragraph 1 of Schedule 17 to the Local Government (Scotland) Act 1973(b) and all other powers enabling him in that behalf, on application of the Highland Regional Council, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Highland Regional Council (Allt Ratagain) Water Order 1979 and shall come into operation on 30th November 1979.

Interpretation

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

“the Act” means that Water (Scotland) Act 1946;

“approved” means approved by the Secretary of State;

“Council” means the Highland 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 Highland Regional Council (Allt Ratagain) Water Order 1979, Plan of Catchment Area” and “The Highland Regional Council (Allt Ratagain) Water Order 1979 Plan 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 Inverness.

(a) 1946 c. 42; section 21(2) was amended by the Water (Scotland) Act 1949 (c. 31), section 30(b) and section 39(4), Schedule 2, Part II and the Water (Scotland) Act 1967 (c. 78), section 35(1), Schedule 5, paragraph 27. Section 44(1) was amended by the Water (Scotland) Act 1967, section 4(3), Schedule 2, paragraph 11.

(b) 1973 c. 65; Schedule 17, paragraph 1 was amended by section 38(1), and Schedule 6, Part II, paragraph 56 of the Local Government (Scotland) Act 1975 (c. 30).

“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 purpose 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 24 of the Act and in the lines and situations and according to the levels shown on the deposited plan marked “The Highland Regional Council (Allt Ratagain) Water Order 1979 Plan of Works”, propose to construct and maintain for the purpose of providing a supply of water within their limits of supply when they acquire the necessary lands or sufficient rights therein.

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

3. The provisions of section 10(3) and (4) of Part III of the Fourth Schedule to the Act modified and adapted in terms of section 44(1) of the Act and set out in Schedule 2 to this order apply to the undertaking insofar 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 and by means of the works, take water from the stream known as the Allt Ratagain in the Skye and Lochalsh District of the Highland Region.

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

(2) After completion of the works the Council shall not:—

(a) take any water from the said Allt Ratagain so as to reduce the rate of flow of water through the discharge pipe (Work No. 3) below 30 cubic metres per day as measured through or over an approved gauge “A” incorporated in the gauging chamber (Work No. 2).

(b) in any one day take from the said Allt Ratagain a quantity of water greater than 37.5 cubic metres as measured through or over an approved gauge “B” incorporated in the gauging chamber (Work No. 2).

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

PART III

Miscellaneous

7. The Council shall at all times after the expiration of 6 months from the date on which this order comes into operation keep at their principal office a copy thereof and one copy of each of the deposited plans.

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

D. A. Campbell,
Assistant Secretary.

(L.S.)

Scottish Development Department,
New St. Andrew's House,
Edinburgh.

23rd November 1979.

SCHEDULE 1

Article 2

The works referred to in this order and shown on the deposited plan marked "The Highland Regional Council (Allt Ratagain) Water Order 1979 Plan of Works" are:—

Work No. 1

An intake, situated on the stream known as the Allt Ratagain at a point 440 metres or thereby measured in a straight line south west of the mouth of the said Allt Ratagain.

Work No. 2

A gauging chamber situated 10 metres or thereby in a north north easterly direction from the most southerly point of the intake (Work No. 1) incorporating—(i) an approved gauge "A" for measuring the quantity of water discharged by means of a discharge pipe (Work No. 3) into the said Allt Ratagain, and (ii) an approved gauge "B" for measuring the quantity of water taken by the Council.

Work No. 3

A discharge pipe 3 metres or thereby in length leading from the gauging chamber (Work No. 2) into the said Allt Ratagain.

SCHEDULE 2

Article 3

Section 10(3)

If the Council

- (a) fail to install 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 sub-section, 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 sub-section—
 - (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 purpose of this order Fishery District Boards 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 this order in relation to any such stream.