

1981 No. 1874 (S. 194)

WATER SUPPLY, SCOTLAND

The Tayside Regional Council (Balnaguard Burn, Little Dunkeld) Water Order 1981

Made - - - - - 29th December 1981

Coming into Operation 29th December 1981

The Secretary of State, in exercise of the powers conferred on him by Sections 17(2) and 29(1) of the Water (Scotland) Act 1980(a) and of all other powers enabling him in that behalf, on the application of the Tayside Regional Council, hereby makes the following Order:—

PART I

Citation and Commencement

1. This Order may be cited as The Tayside Regional Council (Balnaguard Burn, Little Dunkeld) Water Order 1981 and shall come into operation on 29th December 1981.

Interpretation

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

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

“approved” means approved by the Secretary of State;

“Council” means the Tayside 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 Tayside Regional Council (Balnaguard Burn, Little Dunkeld) Water Order 1981 Plan of Catchment Area” and “The Tayside Regional Council (Balnaguard Burn, Little Dunkeld) Water Order 1981 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 principal office of the Council at Tayside House, Crichton Street, Dundee;

“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 or in the case of existing works continue to 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 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 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 and by means of the intake (Work No. 1) take water from the stream known as the Balnaguard Burn and by means of the existing collecting pipes (part of Work No. 4) take water from the springs situated within land shown as parcel no. 5252 on Ordnance Survey Plan NN 9451-9551, all in the Parishes of Little Dunkeld and Logierait and the District of Perth and Kinross.

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

(2) After the completion of the works the Council shall not take from the said Balnaguard Burn a quantity of water greater than 100 cubic metres per day measured through or over an approved gauge (Work No. 3).

(3) The Council may take from the springs (part of Work No. 4) any such quantity of water as may be available.

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

Miscellaneous

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

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

Eric H. Nicoll,
Deputy Chief Engineer.

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

29th December 1981.

SCHEDULE 1

The works referred to in this Order and shown on the deposited plan marked "The Tayside Regional Council (Balnaguard Burn, Little Dunkeld) Water Order 1981 Plan of Works" are:—

Work No. 1

An intake and screening chamber situated on the Balnaguard Burn 500 metres or thereby measured in a south westerly direction from the bridge carrying the B898 road over the said Balnaguard Burn.

Work No. 2

A pumphouse situated on the west bank of the said Balnaguard Burn 155 metres or thereby measured in a north easterly direction from the intake (Work No. 1).

Work No. 3

An approved gauge for measuring the quantity of water taken by the Council situated on the rising main from the pumphouse (Work No. 2) to the storage tank (part of Work No. 4) at a point 5 metres or thereby from the said pumphouse.

Work No. 4

An existing storage tank and underground collecting pipes situated within land shown as parcel No. 5252 on Ordnance Survey Plan NN 9451-9551.

SCHEDULE 2

The provisions of the Fourth Schedule to the Act referred to in this Order are:—

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 subsection, 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 subsection—

(i) on summary conviction to a fine not exceeding £50 in respect of each day; and

(ii) on conviction on indictment, to a fine in respect of each such day.

Section 10(4)

For the purposes of this Order 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 this Order in relation to any such stream.