

1981 No. 518 (S. 52)

**WATER SUPPLY, SCOTLAND**

**The Highland Regional Council (Osdale River) Water Order 1981**

*Made* - - - - - 26th March 1981  
*Coming into Operation* 2nd April 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 Highland Regional Council, hereby makes the following order:—

**PART I**

*Citation and commencement*

1. This order may be cited as the Highland Regional Council (Osdale River) Water Order 1981 and shall come into operation on 2nd April 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 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 (Osdale River) Water Order 1981 Plan of Catchment Area” and “The Highland Regional Council (Osdale River) 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 office of the Chief Executive to the Council at Inverness.

“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 plan marked "The Highland Regional Council (Osdale River) Water Order 1981 Plan of Works", propose to construct and 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, by means of an intake (Work No. 2) take water from the stream known as the Osdale River 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 Osdale River such water as they may require for such construction.

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

(a) take any water from the said Osdale River so as to reduce the rate of flow of water through the discharge pipe (Work No. 5) below 130 cubic metres per day as measured through or over an approved gauge incorporated in the gauging chamber (Work No. 4)

(b) in any one day take from the said Osdale River a quantity of water greater than 400 cubic metres as measured through or over an approved gauge incorporated in the gauging chamber (Work No. 4)

6. If the power to take water conferred by this order has not been exercised within ten years from the date on which the 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 the office of the Chief Executive to the Council a copy thereof and one copy of each of the deposited plans.

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

(L.S.)

*Eric H. Nicoll,*  
Deputy Chief Engineer.

Scottish Development Department,  
New St Andrew's House,  
Edinburgh.  
26th March 1981.

## SCHEDULE 1

## Article 2

The works referred to in this order and shown on the deposited plan marked "The Highland Regional Council (Osdale River) Water Order 1981 Plan of Works" are:—

### Work No. 1

A weir with sill level 26.5 metres above Ordnance Datum on the Osedale River situated at a point 165 metres or thereby measured in a straight line north north east of the point of confluence of the said River Osedale with the Abhainn Easa Dhuibh.

### Work No. 2

An intake on the said Osedale River to the south west of and immediately upstream of Work No. 1.

### Work No. 3

A connecting pipe from Work No. 2 to Work No. 4.

### Work No. 4

A gauging chamber situated 10 metres or thereby north north east of Work No. 2 incorporating—

- (i) an approved gauge for measuring the quantity of water discharged by means of a discharge pipe (Work No. 5) into the said Osedale River and,
- (ii) an approved gauge for measuring the quantity of water taken by the Council.

### Work No. 5

A discharge pipe from Work No. 4 to the said Osedale River immediately adjacent to Work No. 4.

## SCHEDULE 2

## Article 3

The provisions of the Fourth Schedule of 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 such 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.