

1982 No. 1313 (S. 159)

**WATER SUPPLY, SCOTLAND**

**The Highland Regional Council (Allt a Ghiubhais)  
Water Order 1982**

*Made* - - - - - 13th September 1982

*Coming into Operation* 20th September 1982

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 (Allt a Ghiubhais) Water Order 1982 and shall come into operation on 20th September 1982.

*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 (Allt a Ghiubhais) Water Order 1982 Plan of Catchment Area” and “The Highland Regional Council (Allt a Ghiubhais) Water Order 1982 Plan and Section 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 of 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 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 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 (Allt a Ghiubhais) Water Order 1982 Plan and Section 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 2 of Part II and sections 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. 1) take water from the stream known as the Allt a Ghiubhais in the Ross and Cromarty District in the Highland Region.

5.—(1) During the construction of the works the Council may take from the said Allt a Ghiubhais 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 Allt a Ghiubhais so as to reduce the rate of flow of water through the discharge pipe (Work No. 2) below 75 cubic metres per day as measured through or over an approved gauge incorporated in the intake (Work No. 1)

(b) in any one day take from the said Allt a Ghiubhais a quantity of water greater than 75 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.

Scottish Development Department,  
New St. Andrew's House,  
EDINBURGH.  
13th September 1982.

*Eric H. Nicoll,*  
Deputy Chief Engineer.

#### SCHEDULE 1

#### *Article 2*

The works referred to in this order and shown on the deposited plan marked "The Highland Regional Council (Allt a Ghiubhais) Water Order 1982 Plan and Section of Works" are:—

Work No. 1:—An intake on the Allt a Ghiubhais situated at a point 880 metres or thereby measured in a straight line south east of the point of confluence of the said Allt a Ghiubhais with the River Taodail having an entrance weir with a sill level 83.0 metres or thereby above Ordnance Datum and incorporating a gauging chamber with an approved gauge for measuring the quantity of water discharged by means of a discharge pipe, Work No. 2, into the said Allt a Ghiubhais.

Work No. 2:—A discharge pipe from Work No. 1 to the said Allt a Ghiubhais 17 metres or thereby downstream of Work No. 1.

Work No. 3:—A connecting pipe from Work No. 1 to Work No. 4.

Work No. 4:—A gauging chamber incorporating an approved gauge for measuring the quantity of water taken by the Highland Regional Council.

#### SCHEDULE 2

#### *Article 3*

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

#### Section 2

In the construction of the works the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked "The Highland Regional Council (Allt a Ghiubhais) Water Order 1982, Plan and Section of Works" and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Provided that except for the purpose of crossing a stream, canal, dyke, water course or railway, or of crossing any lands where the consent of all persons interested in those lands has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the said plans.

### Section 10(3)

#### If the Council—

- (a) fail to install or maintain in good order any such gauge as is mentioned in the Highland Regional Council (Allt a Ghiubhais) Water Order 1982, 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 the Highland Regional Council (Allt a Ghiubhais) Water Order 1982

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 the Highland Regional Council (Allt a Ghiubhais) Water Order 1982 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 the said order in relation to any such stream.