
STATUTORY INSTRUMENTS

1982 No. 1871 (S.201)

WATER SUPPLY, SCOTLAND

**The Highland Regional Council (Allt Beag)
Water Order 1982**

Made - - - - 20th December 1982

Coming into Operation 27th December 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 Beag) Water Order 1982 and shall come into operation on 27th December 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 Beag) Water Order 1982 Plan of Catchment Area” and “The Highland Regional Council (Allt Beag) Water Order 1982 Plans 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 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 plans 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 2) take water from the stream known as the Allt Beag in the Inverness District in the Highland Region.

5.—(1) During the construction of the works the Council may take from the said Allt Beag 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 Beag so as to reduce the rate of flow of water through the discharge pipe (Work No. 3) below 50 cubic metres per day as measured through or over an approved gauge incorporated in the intake (Work No. 2);
- (b) in any one day take from the said Allt Beag a quantity of water greater than 205 cubic metres as measured through or over an approved gauge incorporated in the intake (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 power 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 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.



Eric H. Nicoll
Deputy Chief Engineer.

Scottish Development Department,
New St Andrew's House,
Edinburgh.
20th December 1982.

SCHEDULE 1

Article 2

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

- Work No. 1 A weir with a sill level of 326 metres or thereby above Ordnance Datum on the Allt Beag at a point 700 metres or thereby measured in a straight line south of the bridge where the road to Garbole crosses the said Allt Beag.
- Work No. 2 An intake on the Allt Beag adjacent to Work No 1 incorporating an approved gauge for measuring the quantity of water taken by the Council and an approved gauge for measuring the quantity of water discharged by means of the discharge pipe (Work No 3) into the said Allt Beag.
- Work No. 3 A discharge pipe 4 metres or thereby in length leading from the intake (Work No 2) into the Allt Beag.

SCHEDULE 2

Article 3

The provisions of the Fourth Schedule to 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 Beag) Water Order 1982 Plans and Section of Works", and they may also deviate vertically from the levels shown on the deposited plan to any extent:

Provided that—

- (a) no weir across a water course shall be constructed at a greater height above the general bed level of the water course than that shown on the said plan and 300 millimetres in addition thereto; and
- (b) 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 plan.

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 Beag) 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 Beag) 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 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 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 Beag) 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.