
STATUTORY INSTRUMENTS

1984 No. 844 (S. 81)

WATER SUPPLY, SCOTLAND

**The Western Isles Islands Council (Loch Steisevat, Harris)
Water Order 1984**

Made - - - - 20th June 1984

Coming into Operation 27th June 1984

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 Western Isles Islands Council, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 and shall come into operation on 27th June 1984.

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 Western Isles Islands Council as water authority;

“day” means a period of 24 hours reckoned from midnight;

“deposited plans” means the four plans each prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively

“The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan of Catchment Areas”, “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan of Works”, “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Section Through Works Nos. 1 and 2”, and “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan and Section of Works Nos. 3 and 4”, 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 Director of Administration and Legal Services of the Council at Stornoway;

“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;

(a) 1980 c. 45.

“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 marked “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan of Works”, “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Section Through Works Nos. 1 and 2”, and “The Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan and Section of Works Nos. 3 and 4”, 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 land or sufficient rights therein.

Incorporation and application of provisions of Schedule 4 to the Act

3. The provisions of section 2 of Part II and sections 10(3) and (4) of Part III of Schedule 4 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 works, take water from the loch known as Loch Steisevat, the stream known as Abhainn Easain Chais, an unnamed burn leading to the stream known as Abhainn Ghriomasdal and the stream known as Abhainn Ghriomasdal all in the Island of Harris in the Western Isles Islands Area.

5.—(1) During the construction of the works the Council may take from the said Loch Steisevat, Abhainn Easain Chais, unnamed burn and Abhainn Ghriomasdal such water as they may require for such construction.

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

- (a) take from the said Loch Steisevat a quantity of water greater than 200 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 1);
- (b) take any water from the said Abhainn Ghriomasdal so as to reduce the rate of flow therein below 15 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 2);
- (c) take any water from the said unnamed burn so as to reduce the rate of flow therein below 2 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 3);
- (d) take any water from the said Abhainn Easain Chais so as to reduce the rate of flow therein below 2.5 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 4);
- (e) take from the said Abhainn Ghriomasdal a quantity of water greater than 150 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 2);

- (f) take from the said unnamed burn a quantity of water greater than 45 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 3);
- (g) take from the said Abhainn Easain Chais a quantity of water greater than 25 cubic metres in any one day as measured through or over an approved gauge (part of Work No. 4);
- (h) take from the said Loch Steisevat, Abhainn Ghriomasdal, unnamed burn and Abhainn Easain Chais, a combined quantity of water greater than 200 cubic metres in any one day as measured through or over approved gauges (parts of Works Nos 1, 2, 3 and 4).

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 the office of the Director of Administration and Legal Services of the Council at Stornoway 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.
20th June 1984.

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 Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan of Works" are—

- Work No. 1* Pumping station, with approved gauge situated 47 metres or thereby in a south-westerly direction from the point Abhainn Ghriomasdal enters Loch Steisevat, and an intake pipe, with invert level 4.00 metres or thereby above Ordnance Datum, extending 30 metres or thereby in a north-westerly direction into the said loch.
- Work No. 2* Existing weir, intake and approved gauges for measuring residual flow in, and abstraction from, Abhainn Ghriomasdal at National Grid Reference NG02688684, located 179 metres or thereby in an east-north-easterly direction from the existing water treatment works.
- Work No. 3* Weir, intake and approved gauges for measuring residual flow in, and abstraction from, the unnamed burn, situated 75 metres or thereby in a south-south-easterly direction from the existing water intake on Abhainn Ghriomasdal (Work No. 2).

- Work No. 4* Weir, intake and approved gauges for measuring residual flow in, and abstraction from, Abhainn Easain Chais, situated 348 metres or thereby in a south-easterly direction from the existing water intake on Abhainn Ghriomasdal (Work No. 2).
- Work No. 5* Pipe extending 110 metres or thereby in a north-westerly direction from Work No. 4.
- Work No. 6* Ditch extending 130 metres or thereby in a north-westerly direction from the north-western end of Work No. 5.

SCHEDULE 2

Article 3

The provisions of Schedule 4 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 Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 Plan of Works” and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Provided that—

- (a) no weir across a watercourse shall be constructed at a greater height above the general bed level of the watercourse than that shown on the said plan and 200 millimetres in addition thereto; and
- (b) except for the purpose of crossing a stream, canal, dyke, watercourse 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 Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984, or refuse to allow any person interested to inspect or examine any such gauge or any records made thereby or kept by them in connection therewith or take copies of any such records; or
- (b) take any water contrary to the provisions of the Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984,

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 £400, and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction, to a fine not exceeding £2,000; and
- (ii) on conviction on indictment, to a fine.

Section 10(4)

For the purposes of the Western Isles Islands Council (Loch Steisevat, Harris) Water Order 1984 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.