

1987 No. 1879 (S.130)

WATER SUPPLY, SCOTLAND

**The Highland Regional Council (Loch a'Choire Leith)
Water Order 1987**

Made - - - - - *28th October 1987*

Coming into force *4th November 1987*

The Secretary of State, in exercise of the powers conferred on him by sections 17(2), 29(1) and 107(1)(b) 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:

Citation and commencement

1. This Order may be cited as the Highland Regional Council (Loch a'Choire Leith) Water Order 1987 and shall come into force on 4th November 1987.

Interpretation

2. In this Order—

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

“approved” means approved by the Secretary of State;

“the Council” means the Highland Regional Council as water authority;

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

“deposited plans” means the three plans, each prepared in duplicate, docqueted and signed as relative to this Order and marked respectively “The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Location Plan and Plan of Catchment Area”, “The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan and Sections of Work No. 1”, and “The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan of Works Nos. 1 and 2”, one copy of each of which is deposited in the Scottish Office, 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 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.

(a) 1980 c.45; section 109(1) contains a definition of “local enactment” relevant to this Order.

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(a) as modified and adapted in terms of section 29(1) of the Act and as set out in Schedule 2 to this Order apply to the undertaking in so far as affected by the provisions of this Order.

Revocation of Order of 1957

4. The County of Ross and Cromarty (Lochcarron) Water Order 1957 shall cease to have effect as from the date on which the Council shall commence to take water by means of the completed works.

Water rights

5. Subject to the provisions of this Order the Council may, for the purposes of the undertaking, impound and take water from the reservoir known as Loch a'Choire Leith in the Ross and Cromarty District in the Highland Region.

6.—(1) During the construction of the works the Council may take from the said Loch a'Choire Leith such water as they may require for such construction.

(2) Commencing not later than 7 days after the date of issue of the preliminary certificate given by the construction engineer in accordance with the Reservoirs Act 1975(b) stating that water may be impounded within the Loch a'Choire Leith Reservoir (Work No. 2) the Council shall discharge into the Allt A'Bheatha, in a uniform and continuous flow, a minimum quantity of water of 150 cubic metres in any day as measured through or over an approved gauge (part of Work No. 1).

(3) After completion of the works, the Council shall not in any day take from the said Loch a'Choire Leith a quantity of water exceeding 550 cubic metres as measured through or over an approved gauge (part of Work No. 4).

7. 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 force the said power shall cease.

Miscellaneous

8. The Council shall at all times after the expiration of six months from the date on which this Order comes into force keep at the office of the Chief Executive of the Council a copy thereof and one copy of each of the deposited plans.

New St. Andrew's House, Edinburgh
28th October 1987

Alasdair Paton
Deputy Chief Engineer,
Scottish Office

(a) Section 2 was amended by the Roads (Scotland) Act 1984 (c.54), Schedule 9, paragraph 81(15)(a); section 10(3) was amended by the Criminal Justice Act 1982 (c.48) Schedule 6, paragraph 62 and Schedule 15, paragraph 27.
(b) 1975 c.23.

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked "The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Location Plan and Plan of Catchment Area" are—

Work No. 1	A dam, with overflow level of 214.75 metres or thereby above Ordnance Datum crossing the Allt A'Bheatha 8 metres or thereby downstream from its outlet from Loch a'Choire Leith, incorporating an approved gauge, compensation pipe, and an intake.
Work No. 2	A reservoir (Loch a'Choire Leith Reservoir) extending over the said Loch a'Choire Leith and the land extending to 20,100 square metres or thereby shown hatched and coloured pink on the deposited plan marked "The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan of Works Nos. 1 and 2".
Work No. 3	A pipe extending 1600 metres or thereby in a north-easterly direction from the intake (part of Work No. 1).
Work No. 4	A gauging chamber incorporating an approved gauge to measure the quantity of water abstracted, situated at the north-eastern end of Work No. 3.

SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purposes of, 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 (Loch a'Choire Leith) Water Order 1987 Location Plan and Plan of Catchment Area", and they may also deviate vertically from the levels shown on the deposited plan marked "The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan and Sections of Work No. 1" to any extent:

Provided that—

- (a) no overflow shall be constructed at a greater height than that shown on "The Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan and Sections of Work No. 1" and 100 millimetres in addition thereto; and
- (b) except for the purpose of crossing a stream or watercourse, 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 Highland Regional Council (Loch a'Choire Leith) Water Order 1987 Plan and Sections of Work No. 1".

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 (Loch a'Choire Leith) Water Order 1987, 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 (Loch a'Choire Leith) Water Order 1987,

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 level 3 on the standard scale, and in the case of an offence under paragraph (b) of this subsection -

- (i) on summary conviction, to a fine not exceeding the statutory maximum; and
- (ii) on conviction on indictment, to a fine.

Section 10(4)

For the purposes of the Highland Regional Council (Loch a'Choire Leith) Water Order 1987 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.