
STATUTORY INSTRUMENTS

1997 No. 1115 (S.100)

WATER SUPPLY, SCOTLAND

The West of Scotland Water Authority
(Dervaig-River Bellart) Water Order 1997

Made - - - - 26th March 1997

Coming into force

For the purposes of article
8 in accordance with article
1(2)

For all other purposes 3rd April 1997

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(1) and of all other powers enabling him in that behalf, on the application of the West of Scotland Water Authority, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997 and shall, subject to paragraph (2), come into force on 3rd April 1997.

(2) Article 8 shall come into force on the expiry of the period of 90 days beginning with the day on which water is first taken by the Authority in terms of articles 4 and 5(2) of this Order.

Interpretation

2. In this Order—

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

“approved” means approved by the Secretary of State;

“the Authority” means the West of Scotland Water Authority;

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

“deposited plan” means the plan, prepared in duplicate, docketed and signed as relative to this Order and marked “The West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997 Plan of Catchment Area, Location Plan and Plans and Sections of Works No 1”,

(1) 1980 c. 45; section 17(2) and section 107(1)(b) were amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119; see section 109(1) for the definition of “local enactment”.

one copy of which is deposited in the Scottish Office, Victoria Quay, Edinburgh, and the other in the office of the Chief Executive of the Authority at 419 Balmore Road, Glasgow, G22 6NU;

“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 Authority for the purposes of the undertaking;

“undertaking” means the water undertaking for the time being of the Authority;

“works” means the works described in Schedule 1 to this Order, which the Authority, 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, propose to construct and maintain for the purpose of providing a supply of water when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of the provisions of Schedule 4 to the Act

3. The provisions of sections 2 and 10(3) of Schedule 4 to the Act(2), modified and adapted to read as set out in Schedule 2 to this Order, shall apply to the undertaking in so far as affected by the provisions of this Order, and the terms used in the provisions of those sections, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

Water rights

4. Subject to the provisions of this Order, the Authority may, for the purposes of the undertaking, take water from the river known as the River Bellart, in the Argyll and Bute Council area, by means of the intake structure of the works.

5.—(1) During the construction of the works the Authority may take from the said River Bellart such water as they may require for such construction.

(2) After completion of the works, the Authority may take from the River Bellart, in any day, a quantity of water not exceeding 300 cubic metres, as measured and recorded by an approved gauge (part of Works No 1), at a rate not exceeding 7 litres per second, except when the flow in the River Bellart, as measured by an approved gauge, is less than 100 litres per second, when the Authority may take water at a rate not exceeding 3.5 litres per second.

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, except for article 8, comes into force the said power shall cease.

Miscellaneous

7. The Authority shall at all times after the expiration of six months from the date on which this Order, except for article 8, comes into force keep at the office of the Chief Executive of the Authority a copy thereof and a copy of the deposited plan.

Revocation of Order of 1952

8. The Argyll County Council (Allt Mor, Dervaig) Water Order 1952(3) is hereby revoked.

(2) 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 Procedure (Scotland) Act 1975 (c. 21), Schedule 7D, paragraph 62 (as inserted by the Criminal Justice Act 1982 (c. 48) “the 1982 Act”, Schedule 6) and Schedule 15, paragraph 27 of the 1982 Act.

(3) S.I.1952/1493.

Victoria Quay,
Edinburgh
26th March 1997

George Calder
Assistant Secretary, Scottish Office

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SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997 Plan of Catchment Area, Location Plan and Plans and Sections of Works No 1” are–

Works No 1	An intake structure incorporating pumps, intake and scour pipework, an approved gauge board and weir to measure the specified flow in the River Bellart and an approved gauge to measure and record the amount of water taken from the river and the rate at which the said amount was taken.
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SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purpose of, this Order are–

Section 2

In the construction of the works the Authority may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked “The West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997 Plan of Catchment Area, Location Plan and Plans and Sections of Works No 1” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that–

- (a) no structure within the watercourse shall be constructed at a greater height above the general bed level than that shown on the said plan and 150 millimetres in addition thereto; and
- (b) except for the purposes 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 Authority–

- (a) fail to construct or maintain in good order any such gauge as is mentioned in the West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997, 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 West of Scotland Water Authority (Dervaig-River Bellart) Water Order 1997,

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

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(ii) on conviction on indictment, to a fine.