
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 127

**The West of Scotland Water Authority (Lochranza
– Allt Easan Biorach) Water Order 1999**

Citation and Commencement

1. This Order may be cited as the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 and shall come into force on 12th November 1999.

Interpretation

2. In this Order–

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

“approved” means approved by the Scottish Ministers;

“the Authority” means the West of Scotland Water Authority established under section 64 of the Local Government etc. (Scotland) Act 1994(1);

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

“deposited plan” means the plan, prepared in duplicate, docqueted and signed as relative to this Order and marked “The West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 Plan of Catchment Area, Location Plan and Plans and Sections of Work Nos. 1 4”, one copy of which is deposited in the Office of the Scottish Executive, 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(2) 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(3), 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.

(1) 1994 (c. 39).

(2) Section 21 was substituted by the Local Government etc. (Scotland) Act 1994, section 108.

(3) Section 10(3) of Schedule 4 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 15, paragraph 27 and by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 2

Water rights

4. Subject to the provisions of this Order, the Authority may, for the purposes of the undertaking, by means of an intake structure and pipe (Work No. 1) take water from the river known as Allt Easan Biorach on the Island of Arran.

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

(2) After completion of the works the Authority—

- (a) may in any one day take from the Allt Easan Biorach by means of Work No. 1 a quantity of water not greater than 415 cubic metres, as measured and recorded by an approved gauge (Work No. 3); and
- (b) may not take water from the Allt Easan Biorach so as to reduce the rate of flow below 1,140 cubic metres in any day as measured through or over the existing gauge at present owned and operated by Isle of Arran Distillers, Lochranza.

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 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 comes into force keep at the office of the Chief Executive of the Authority a copy thereof and a copy of the deposited plan.

Victoria Quay,
Edinburgh
19th October 1999

M NEILSON
A member of the staff of the Scottish Ministers