
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 237

WATER SUPPLY

**The West of Scotland Water Authority
(Eredine, Allt Garbh) Water Order 2000**

Made - - - - *14th July 2000*

Coming into force - - *1st August 2000*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 17(2) and 29(1) of the Water (Scotland) Act 1980⁽¹⁾ and of all other powers enabling them in that behalf, on the application of the West of Scotland Water Authority, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the West of Scotland Water Authority (Eredine, Allt Garbh) Water Order 2000 and shall come into force on 1st August 2000.

Interpretation

2. In this Order—

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

“the Authority” means the West of Scotland Water Authority established under section 62 of the Local Government etc. (Scotland) Act 1994⁽²⁾;

“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 (Eredine, Allt Garbh) Water Order 2000, Plan of Catchment Area, Location Plan and Plan and Section of Works”, one copy of which is deposited at the Scottish Executive, Victoria Quay, Edinburgh, and the other at the office of the Chief Executive of the Authority at 419 Balmore Road, Glasgow, G22 6NU;

“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;

(1) 1980 c. 45; section 17(2) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119; see section 109(1) for definition of “local enactment”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1994 c. 39.

“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⁽³⁾, and in the lines and situations and according to the general dimensions 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 section 10(3) of Schedule 4 to the Act⁽⁴⁾, 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 that section, 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 Allt Garbh, in the Argyll and Bute Council area, by means of the intake structure of the works.

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

(2) After completion of the works, the Authority may take from the said Allt Garbh, in any day, a quantity of water not exceeding 33 cubic metres at a rate not exceeding 23 litres per minute.

6. If the power to take water conferred by this Order has not been exercised by 1st August 2010 the said power shall cease.

Miscellaneous

7. The Authority shall at all times after 1st February 2001 keep at the office of the Chief Executive of the Authority a copy of this Order and a copy of the deposited plan.

Victoria Quay,
Edinburgh
14th July 2000

MIKE NEILSON
A member of the staff of the Scottish Ministers

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

(4) Section 10(3) of Schedule 4 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 15, paragraph 27 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 2, Part III. The provisions of Schedule 4 of the Act are referred to as sections.

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The West of Scotland Water Authority (Eredine, Allt Garbh) Water Order 2000, Plan of Catchment Area, Location Plan and Plan and Section of Works” are—

Refurbishment of the existing intake channel at the weir on the said Allt Garbh and covering of said channel up to and including the construction of a new intake channel which incorporates a weir plate with a rectangular notch designed for a maximum abstraction of 33 cubic metres per day. Concrete infill of channel beyond proposed abstraction channel and box screen to new channel and weir.

SCHEDULE 2

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in article 3 of this Order are—

Section 10(3)

“If the Authority take any water contrary to the provisions of the West of Scotland Water Authority (Eredine, Allt Garbh) Water Order 2000 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.”.