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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 649**

**The Scottish Water (Mill Loch) Order 2005**

**Citation and commencement**

1. This Order may be cited as the Scottish Water (Mill Loch) Order 2005 and shall come into force on 23rd December 2005.

**Interpretation**

2. In this Order:—

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

“approved” means approved by the Scottish Ministers;

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

“deposited plan” means the plan, prepared in triplicate, docketed and signed as relative to this Order and marked “The Scottish Water (Mill Loch) Water Order 2005”, one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, one copy in the head office of Scottish Water at Castle House, 6 Castle Drive, Carnegie Campus, Dunfermline, Fife KY11 8GG, and the other in Scottish Water’s area office at Manse Brae, Lochgilphead, Argyll PA31 8RD;

“gauge” includes a gauge, weir or other apparatus for measuring the flow of water;

“intake” includes any work by which water is taken by Scottish Water for the purposes of the undertaking;

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002(1);

“undertaking” means the water undertaking for the time being of Scottish Water; and

“works” means the works described in Schedule 1 to this Order and shown on the deposited plan.

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

3. The provisions of paragraphs 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 insofar as affected by the provisions of this Order, and the terms used in the provisions of those paragraphs, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

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(1) 2002 asp 3, as amended by the Water Services etc. (Scotland) Act 2005.

(2) Paragraph 2 of Schedule 4 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 81(15)(a); paragraph 10(3) 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, Scottish Water may for the purposes of the undertaking and by means of an intake (Works No. 1), take water from the Mill Loch on the Island of Gigha in the area of the Argyll and Bute Council.

5.—(1) During the construction of the works, Scottish Water may take from the Mill Loch, such water as it may require for such construction.

(2) After completion of the works, Scottish Water may, in any day, take from the Mill Loch a quantity of water not greater than 217.3 cubic metres, as measured and recorded by an approved gauge (Works No 2).

6. If the power to take water conferred by this Order has not been exercised by 31st December 2006, the said power shall cease.

### **Revocation of Order of 1960**

7. The Argyll County Council (Mill Loch, Gigha) Water Order 1960(3) is hereby revoked with effect from 31st December 2006. .

Victoria Quay, Edinburgh  
16th December 2005

*ANDREW SCOTT*  
A member of the staff of the Scottish Ministers