
STATUTORY INSTRUMENTS

1990 No. 715 (S.88)

WATER SUPPLY, SCOTLAND

The Highland Regional Council
(Loch Lannsaidh) Water Order 1990

Made - - - - 23rd March 1990

Coming into force - - 30th March 1990

The Secretary of State, in exercise of the powers conferred on him by sections 17(2) and 29(1) of the Water (Scotland) Act 1980(1) 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 Lannsaidh) Water Order 1990 and shall come into force on 30th March 1990.

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 two plans, each prepared in duplicate, docqueted and signed as relative to this Order and marked respectively “The Highland Regional Council (Loch Lannsaidh) Water Order 1990 Plan of Catchment Area” and “The Highland Regional Council (Loch Lannsaidh) Water Order 1990 Plans & Sections of Works”, 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 in 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 purpose 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 or, in the case of existing works, continue to 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.

Incorporation and application of provisions of Schedule 4 to the Act

3. The provisions of section 2 Part II and section 10(3) and (4) of Part III of Schedule 4 to the Act(2), as modified and adapted in terms of section 29(1) of the Act as set out in Schedule 2 to this Order, apply to the undertaking in so far as affected by the provisions of this Order.

Water rights

4. Subject to the provisions of this Order, the Council may, for the purposes of the undertaking and by means of a dam (Work No. 2), impound the waters of Loch Lannsaidh (Work No. 1) and by means of intakes (Work No. 3 and part of Work No. 5) take water from the said Loch Lannsaidh in the Sutherland District of the Highland Region.

5.—(1) During the construction of the works the Council may take from the said Loch Lannsaidh such water as they may require for such construction.

(2) After the completion of the works—

- (a) the Council shall discharge from the said Loch Lannsaidh into the Allt Loch Lannsaidh by means of Work No. 8 a quantity of water not less than 227 cubic metres every day in a uniform and continuous flow as measured through or over an approved gauge (Work No. 4); and
- (b) the Council shall not in any one day take from the said Loch Lannsaidh a quantity of water greater than 2,100 cubic metres as measured through or over approved gauges (Work No. 7 and part of Work No. 6).

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 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.

Scottish Development Department 27 Perth
Street,
Edinburgh
23rd March 1990

Alasdair C. Paton
Deputy Chief Engineer Scottish Office

(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 Justice Act 1982 (c. 48), Schedule 6, paragraph 62 and Schedule 15, paragraph 27.

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The Highland Regional Council (Loch Lannsaigh) Water Order 1990 Plans & Sections of Works” are–

Work No. 1 An existing reservoir (Loch Lannsaigh Reservoir) commencing at the dam (Work No. 2) and extending over Loch Lannsaigh.

Work No. 2 An existing dam, with overflow sill level 152.23 metres or thereby above Ordnance Datum situated at the south-western end of Loch Lannsaigh.

Work No. 3 An existing intake with invert level 150.73 metres or thereby above Ordnance Datum situated 85 metres or thereby north-east of Work No. 2 (NGR NH 7354 9431).

Work No. 4 An approved gauge situated on the Allt Loch Lannsaigh 40 metres or thereby downstream from Work No. 2.

Work No. 5 An intake with invert level 150.73 metres or thereby above Ordnance Datum and channel extending west for a distance of 38 metres or thereby and a pumping station situated on the eastern side of Loch Lannsaigh (NGR NH 7395 9451).

Work No. 6 A chamber incorporating an approved gauge situated 20 metres or thereby south-west of Work No. 3, and an existing pipe connecting to Work No. 3.

Work No.7 An approved gauge situated within the pumping station (Part of Work No. 5).

Work No. 8 An existing pipe and channel commencing 53 metres east of Work No. 4 and extending north-west for a distance of 36 metres or thereby to its junction with the Allt Loch Lannsaigh.

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 Lannsaigh) Water Order 1990 Plans & Sections of Works”, and they may also deviate vertically from the levels shown on the deposited plan to any extent:

Provided that–

- (a) no weir across a watercourse shall be constructed at a greater height above the general bed level of the watercourse than that shown on the said plan and 200 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 said plan.

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 Lannsaigh) Water Order 1990, or refuse to allow any person

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 Lannsaidh) Water Order 1990,

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 Lannsaidh) Water Order 1990, a fishery district board shall be deemed to be interested in the flow of water in, and the discharge of water into, 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.