STATUTORY INSTRUMENTS

1987 No. 1764 (S.125)

WATER SUPPLY, SCOTLAND

The Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987

Made - - - -	*2nd October 1987*
Coming into force	*9th October 1987*

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(a) and of all other powers enabling him in that behalf, on the application of the Central Regional Council, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987 and shall come into force on 9th October 1987.

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 Central Regional Council as water authority;

"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 Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987 Plan and Section of Works", one copy 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 at Stirling;

"gauge" includes a gauge weir or other apparatus for measuring the flow of water;

"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 plan, propose to construct and maintain for the purpose of providing a supply of water within their limits of supply when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of provisions of Schedule 4 to the Act

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

(a) 1980 c.45.

(b) 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 by Schedule 15, paragraph 27.

Water rights

4. Subject to the provisions of this Order, the Council may, for the purposes of the undertaking and by means of the borehole (part of Work No. 1) and the pump (Work No. 2), take water from an underground aquifer of undetermined extent in the Stirling District in the Central Region.

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

(2) After the completion of the works the Council shall not in any day take from the said aquifer a quantity of water greater than 150 cubic metres as measured through an approved gauge (part of Work No. 3).

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 a copy of the deposited plan.

Alasdair Paton
Deputy Chief Engineer,
Scottish Office

New St. Andrew's House, Edinburgh
2nd October 1987

SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked "The Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987 Plan and Section of Works" are–

Work No. 1	A chamber and a borehole of a depth of 11 metres or thereby situated on the south east side of the confluence of the Allt Chreagain and the River Balvag, and 140 metres or thereby in a south westerly direction from Creagan House.
Work No. 2	A pump located below ground within Work No. 1.
Work No. 3	A chamber with approved gauge situated 3 metres or thereby to the south of Work No. 1, and a connecting pipe to Work No. 2.

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 Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987 Plan and Section of Works" and they may also deviate vertically from the levels shown on the deposited plan to any extent:

Provided that 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 Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987, 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 Central Regional Council (Strathyre Borehole, Strathyre) Water Order 1987,

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.