STATUTORY INSTRUMENTS

1980 No. 1501 (S.121)

WATER SUPPLY, SCOTLAND

The Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980

Made - - - -	*8th October* 1980
Coming into Operation	*15th October* 1980

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 Grampian Regional Council, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980 and shall come into operation on 15th October 1980.

Interpretation

2. In this order, unless the context otherwise requires:—

"the Act" means the Water (Scotland) Act, 1980;

"approved" means approved by the Secretary of State;

"Council" means the Grampian Regional Council as water authority;

"day" means a period of 24 hours reckoned from 9 a.m.;

"deposited plan" means the plan prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked "The Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980 Plan and Section of Works", one copy of which is deposited in the office of the Scottish Development Department, New St. Andrew's House, Edinburgh, and the other in the principal office of the Council at Aberdeen;

"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 purposes 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

(a) 1980 c. 45.

shown on the deposited plan marked "The Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980 Plan and Section of Works", 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 the Fourth Schedule to the Act.

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

PART II

Water rights

4. Subject to the provisions of this order, the Council may for the purposes of the undertaking take water, by means of the works, from the river known as the River Dee in the Parish of Peterculter in the City of Aberdeen District of the Grampian Region.

5.—(1) During the construction of the work the Council may take from the said River Dee such water as they may require for such construction.

(2) After the completion of the works the Council shall not:—

(*a*) in any one day abstract from the said River Dee a quantity of water exceeding 75,000 cubic metres as measured through or over the said approved gauge incorporated in the pumphouse (Work No. 2).

(*b*) when the rate of flow in the said River is 640,000 cubic metres per day or less as measured at 9 a.m. each day through or over an approved gauge situated on the said river at Ordnance Survey Grid Reference No. 798983, owned by the North-East River Purification Board, abstract water by means of Work No. 1 from the said River Dee during a period or periods amounting in total to six hours in each day, the time or times in each day at which the Council shall not abstract water being determined by the Dee District Salmon Fishery Board.

6. If the power to take water conferred by this order has not been exercised within 10 years from the date on which this order comes into operation, the said power shall cease.

PART III

Miscellaneous

7. The Council shall at all times after the expiration of six months from the date on which this order comes into operation keep at their principal office a copy thereof and one copy of the deposited plan.

Given under the seal of the Secretary of State for Scotland.

Eric H. Nicoll,
Deputy Chief Engineer.

Scottish Development Department,
New St. Andrew's House,
Edinburgh.
8th October 1980.

SCHEDULE 1 Article 2

The works referred to in this order and shown on the deposited plan marked "The Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980 Plan and Section of Works" is:—

Work No. 1

An intake situated in the bed of the River Dee at Ordnance Survey Grid Reference NJ 902025 and from it connecting pipes leading 60 metres or thereby in a northerly direction to a pumphouse (Work No. 2).

Work No. 2

A pumphouse incorporating an approved gauge, to measure the quantity of water abstracted via the said intake (Work No. 1) from the River Dee lying 60 metres or thereby on or towards the north of the said Work No. 1.

SCHEDULE 2 Article 3

The provisions of the Fourth Schedule of the Act referred to in 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 Grampian Regional Council (River Dee, Morrison's Bridge Intake) Water Order 1980 Plan and Section of Works" and they may also deviate vertically from the levels shown on the said deposited plan to any extent:

Provided that—

(*a*) No pumphouse for the intake shall be constructed at a greater height above the general surface of the ground than that shown on the said plan and 2 metres in addition thereto; and

(*b*) Except for the purpose of crossing a stream, canal, dyke, watercourse or railway, 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 deposited plans.

Section 10(3)

If the Council:—

(*a*) fail to instal or maintain in good order the gauge mentioned in Article 5(2)(*a*) of this order or refuse to allow any interested person to inspect and examine any such gauge or records made thereby or kept by them in connection therewith or to take copies of such records, or refuse to allow any interested person to inspect the records made by the gauge mentioned at Article 5(2)(*b*) of the order and kept in their possession in connection therewith or to take copies of such records; or

(*b*) in the event of the gauge mentioned in Article 5(2)(*b*) being abandoned or not maintained, fail to provide and thereafter maintain in good order an approved gauge in or as near as possible to the site of the gauge, or refuse to allow any person interested to inspect or examine the replacement gauge provided by them or examine any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(*c*) take any water contrary to the provisions of this order,

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*) or (*b*) of this subsection, on summary conviction, to a fine not exceeding £50 in respect of each day on which the offence has been committed or has continued, and in the case of an offence under paragraph (*c*) of this subsection—

(i) on summary conviction, to a fine not exceeding £50 in respect of each such day; and

(ii) on conviction on indictment, to a fine not exceeding £500 in respect of each such day.

Section 10(4)

For the purposes of this order, a fishery district board shall be deemed to be interested in the flow of water in 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 this order in relation to any such stream.

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