STATUTORY INSTRUMENTS

1980 No. 1266 (S. 99)

WATER SUPPLY, SCOTLAND

The Grampian Regional Council (River Isla) Water Order 1980

Made - - - -	18*th August* 1980
Coming into Operation	25*th August* 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 Isla) Water Order 1980 and shall come into operation on 25th August 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 midnight;

"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 Isla) Water Order 1980 Catchment Area, Plans and Longitudinal Sections", 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;

(a) 1980 c. 45.

"work" means the work 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 the Fourth Schedule to the Act

3. The provisions 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 Isla in the Parish of Botriphnie in the Moray District of the Grampian Region.

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

(2) After the completion of the work the Council shall not in any one day:—

(*a*) take from the said River Isla a quantity of water greater than 700 cubic metres as measured through an approved gauge incorporated in the intake;

(*b*) take any water from the River Isla at such time as abstraction from the Burn of Davidston as authorised by the Grampion Regional Council (Burn of Davidston) (Amendment) Water Order 1980(a), continues at the rate of 1,364 cubic metres per day (300,000 gallons);

(*c*) take water from the said River Isla and the said Burn of Davidston, taken together, in excess of 1,364 cubic metres (300,000 gallons).

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 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.

(L.S.)

Eric H. Nicoll,
Deputy Chief Engineer.

Scottish Development Department,
New St Andrew's House,
Edinburgh
18th August 1980.

(a) S.I. 1980/1267.

SCHEDULE 1 *Article 2*

The work referred to in this order and shown on the deposited plan is:—

An intake situated on the river known as the River Isla at Ordnance Survey Grid Reference NJ 406468 incorporating an approved gauge for measuring the quantity of water taken by the Council.

SCHEDULE 2 *Article 3*

The provisions of the Fourth Schedule to the Act referred to in this order are:—

Section 10(3)

If the Council—

(*a*) fail to install or maintain in good order any such gauge as is mentioned in this order, 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 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*) 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 (*b*) 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.