STATUTORY INSTRUMENTS

1974 No. 1765 (S. 162)

WATER SUPPLY, SCOTLAND

The Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974

Made - - - -	*25th October* 1974
Coming into Operation	*1st November* 1974

The Secretary of State, in exercise of the powers conferred on him by sections 21(2) and 44(1) of the Water (Scotland) Act 1946(a), as amended by the Water (Scotland) Act 1949(b) and the Water (Scotland) Act 1967(c), and of all other powers enabling him in that behalf, on the application of the Inverness-shire Water Board, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974 and shall come into operation on 1st November 1974.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"the Act" means the Water (Scotland) Act 1946;

"approved" means approved by the Secretary of State;

"Board" means the Inverness-shire Water Board;

"deposited plans" means the two plans prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively "The Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974 Location Plan" and "The Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974 Plan of Works", one copy of each of which is deposited in the office of the Scottish Development Department, St. Andrew's House, Edinburgh, and the other in the office of the Clerk to the Board at Inverness;

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

(a) 1946 c. 42.
(b) 1949 c. 31.
(c) 1967 c. 78.

"intake" includes any work by which water is taken by the Board for the purposes of the undertaking;

"undertaking" means the water undertaking for the time being of the Board;

"works" means the works described in Schedule 1 to this order which the Board, in exercise of the powers conferred on them by section 24 of the Act, with the consent of the Secretary of State and in the lines and situations and according to the levels shown on the deposited plan marked "The Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974 Plan of Works", propose to construct and maintain for the purpose of providing a supply of water within their region when they have acquired the necessary land or sufficient rights therein.

(2) Where any provision of this order specifies both a metric measurement and an imperial measure, the imperial measure shall for the purposes of the said provision be deemed to be equivalent to the metric measurement.

3. The provisions of section 10(3), (4) and (5) of Part III of the Fourth Schedule to the Act modified and adapted in terms of section 44(1) of the Act and set out in Schedule 2 to this order apply to the water undertaking to which this order relates.

PART II

Water rights

4. Subject to the provisions of this order the Board may, for the purposes of the undertaking and by means of an intake (Work No. 1) take water from an un-named spring at the point of National Grid Reference NN293850 being the source of the said un-named spring in the Parish of Kilmonivaig and County of Inverness.

5. During the construction of the works the Board may take from the said un-named spring such water as they may require for such construction.

6. After the completion of the works the Board—

(1) shall not, in any one day of 24 hours reckoned from midnight, take from the said un-named spring a quantity of water greater than 20 cubic metres (4,400 gallons) measured through or over an approved gauge (Work No. 2), and

(2) shall discharge not less than 10 cubic metres (2,200 gallons) per day of compensation water through the approved compensation water gauging pipe incorporated in the intake (Work No. 1) into the un-named watercourse leading from the said un-named spring.

7. 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

8. The Board shall at all times after the expiration of 6 months from the date on which this order comes into operation keep at their principal office a copy thereof and one copy of each of the deposited plans.

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

(L.S.)

John Kerr,
Assistant Secretary.

Scottish Development Department,
St. Andrew's House,
Edinburgh.
25th October 1974.

Article 2

SCHEDULE 1

The works referred to in this order and shown on the deposited plan marked "The Inverness-shire Water Board (Bohuntin Upper Springs) Water Order 1974 Plan of Works" are:—

Work No. 1.

An intake situated at the point of National Grid Reference NN293850 being the source of the un-named spring at level 380·36 metres (1248·4 feet) or thereby above Ordnance Datum incorporating an approved compensation water gauging pipe for discharging compensation water into the un-named water course leading from the said un-named spring.

Work No. 2.

An approved gauge at the point of National Grid Reference NN295847 on the pipe taking water from the intake (Work No. 1) to the public supply.

Article 3

SCHEDULE 2

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

Section 10(3)

If the Board—

(*a*) fail to instal 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.

Section 10(5)

The provisions of this order shall be deemed to have been accepted by all persons interested as providing full compensation for all water impounded by the works.

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
82/P13547/3 T 37 K8 11/74

8p net

ISBN 0 11 041765 8