SCOTTISH STATUTORY INSTRUMENTS

2004 No. 180

WATER SUPPLY

The Scottish Water (River Isla) Ordinary Drought Order 2004

Made - - - -	*7th April 2004*
Coming into force - -	*9th April 2004*

The Scottish Ministers, in exercise of the powers conferred by section 20(1) and (4)(a) of the Natural Heritage (Scotland) Act 1991(**a**), and paragraph 2(1)(b) and 5(1) of Schedule 7 and paragraph 2(5) of Schedule 8 to that Act, and of all other powers enabling them in that behalf, on the application of Scottish Water, being satisfied that, by reason of an exceptional shortage of rain, a serious deficiency of supplies of water exists or is threatened in the locality of Angus, Tayside and the City of Dundee and that the proper notices have been published and served in accordance with Schedule 8 to that Act, hereby make the following Order:

Citation and commencement

1. The Order may be cited as the Scottish Water (River Isla) Ordinary Drought Order 2004 and shall come into force on 9th April 2004.

Interpretation

2. In this Order–

"the Act" means the Natural Heritage (Scotland) Act 1991;

"day" means a period of 24 hours reckoned from midnight;

"deposited plan" means the plan, prepared in duplicate, docqueted and signed as relevant to this Order and marked "Proposed temporary pumping from River Isla: Scottish Water (River Isla) Ordinary Drought Order 2004", one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, and the other in its Head Office of Scottish Water at Castle House, 6 Castle Drive, Carnegie Campus Dunfermline, Fife KY11 8GG;

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

"intake" includes any work by which water is taken by Scottish Water for the purpose of the undertaking;

"the relevant period" means a period of six months beginning with the day on which this Order comes into force;

"Scottish Water" means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002(**b**);

"undertaking" means the water undertaking for the time being of Scottish Water;

"works" means the works described in the Schedule to this Order and in the lines and situations and according to the general dimensions and levels shown on the deposited plan.

(**a**) 1991 c.28, to which there are amendments not relevant to this Order. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) 2002 asp 3.

Works

3. Scottish Water is hereby authorised to execute the works.

Water rights

4. Subject to the provisions of this Order, during the relevant period, Scottish Water may, for the purposes of the undertaking, and by means of an intake (Work No. 1), take water from the River Isla in Angus.

5.—(1) Subject to paragraph (2) below, Scottish Water may in any day take from the said River Isla a quantity of water not greater than 20,000 cubic metres, at a rate not greater than 300 litres per second.

(2) No water shall be taken by Scottish Water from the said River Isla during any period when the river flow, as measured by the Scottish Environment Protection Agency gauge(**a**) at Wester Cardean Gauging Station (NGR NO 295466), is less than 242,350 cubic metres per day.

Supplementary provision

6. For the duration of the relevant period, Scottish Water shall keep at its Head Office a copy of this Order and a copy of the deposited plan.

ANDREW SCOTT
A member of staff of the Scottish Ministers

St Andrew's House,
Edinburgh
7th April 2004

(**a**) The Scottish Environment Protection Agency is the body corporate established by section 20 of the Environment Act 1995 (c.25).

SCHEDULE

The works referred to in this Order and shown marked on the deposited plan are:–

Work No. 1	Installing 2 submersible pumps and laying 20 metres of flexible pipework from each pump to connect to each of the 2 existing raw water mains which cross the River Isla at pipe at grid reference NGR NO 272 534.

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The Scottish Water (River Isla) Ordinary Drought Order 2004

£3.00

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 01/05 19593

ISBN 0-11-069385-X

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