STATUTORY INSTRUMENTS

1980 No. 1271 (S. 102)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (Corrie Burn, Arran) Water Order 1980

Made - - - -	19*th August* 1980
Coming into Operation	26*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 Strathclyde Regional Council, hereby makes the following order:

PART I

Citation and commencement

1. This order may be cited as the Strathclyde Regional Council (Corrie Burn, Arran) Water Order 1980 and shall come into operation on 26th 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 Strathclyde Regional Council as water authority;

"day" means any 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 Strathclyde Regional Council (Corrie Burn, Arran) Water Order 1980, one copy of which is deposited in the offices of the Scottish Development Department, New St Andrew's House, Edinburgh and the other at the offices of the Council in Glasgow;

"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.

"works" means the works described in Schedule 1 to this order, shown on the deposited plan, which the Council, in exercise of the powers conferred upon 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 lands or sufficient rights therein.

Incorporation of the provisions of the Fourth Schedule to the Act

3. The provisions of section 10(3) and (4) of part III of the Fourth Schedule modified and adapted in terms of section 29(1) of the Act and set out in Schedule 2 of this order apply to the undertaking insofar 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 Works Nos 1 and 2 from the stream known as Corrie Burn in the Island of Arran and the Cunninghame District of the Strathclyde Region.

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

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

(*a*) in any day abstract from the said Corrie Burn a quantity of water greater than 270 cubic metres as measured through or over an approved gauge, part of work No 2;

(*b*) abstract water from the said Corrie Burn so as to reduce the rate of flow below 70 cubic metres in any day as measured through or over an approved gauge incorporated in Work No 2.

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 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.
19th August 1980.

SCHEDULE 1 *Article 2*

The works referred to in this order and shown on the deposited plan are:

Work No 1

A submerged intake in the bed of the Corrie Burn situated 940 metres west of the point where the said Corrie Burn passes under the main road (A841) between Brodick and Corrie, and from it a connecting pipe leading 12 metres or thereby in an easterly direction to an intake chamber (Work No 2).

Work No 2

An intake chamber incorporating an abstraction pipe and gauge and a compensation pipe and gauge located 12 metres or thereby to the east of Work No 1.

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 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 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.