STATUTORY INSTRUMENTS

1978 No. 1513 (S. 142)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (Kilmannan Reservoir) Water Order 1978

Made - - - -	18*th October* 1978
Coming into Operation	25*th October* 1978

The Secretary of State, in exercise of the powers conferred on him by section 21(2) of the Water (Scotland) Act 1946 **(a)**, as amended by the Water (Scotland) Act 1949 **(b)** and the Water (Scotland) Act 1967 **(c)**, and section 44(1) of the said Water (Scotland) Act 1946 as amended by the said Water (Scotland) Act 1967, all as read with section 148 and Schedule 17 of the Local Government (Scotland) Act 1973 **(d)** and section 38(1) and paragraph 56 of Part II of Schedule 6 of the Local Government (Scotland) Act 1975 **(e)**, 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 (Kilmannan Reservoir) Water Order 1978 and shall come into operation on 25th October 1978.

Interpretation

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

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

"approved" means approved by the Secretary of State;

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

"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 (Kilmannan Reservoir) Water Order 1978", 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 office of the Chief Executive to the Council at 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) 1946 c. 42. (b) 1949 c. 31. (c) 1967 c. 78.
(d) 1973 c. 65. (e) 1975 c. 30.

"works" means the existing and proposed works described in Schedule 1 to this order, which the Council in exercise of the powers conferred on them by section 24 of the Act and in the lines and situations and according to the levels shown on the deposited plan, propose to construct and maintain, or in the case of those existing works propose to acquire 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), (4) and (5) (supplementary provisions relating to compensation water) 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 undertaking in so far as affected by the provisions of this order.

PART II

Water rights

4. Subject to the provisions of the order, the Council may, by means of the works, impound water in and take water from the reservoir known as Kilmannan Reservoir (Work No. 2) situated partly in the Clydebank District of the Strathclyde Region and partly in the Stirling District of the Central Region.

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

(2) After the completion of the works the Council shall discharge from the said Kilmannan Reservoir into the said Auldmurroch Burn in a uniform and continuous flow a quantity of water not less than 909 cubic metres during every day of 24 hours reckoned from midnight, as measured through or over an approved gauge (Work No. 3).

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 the office of the Chief Executive to the Council a copy thereof and of the deposited plan.

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

(L.S.)

D. A. Campbell,
Assistant Secretary.

Scottish Development Department,
New St. Andrew's House,
Edinburgh.
18th October 1978.

Article 2

SCHEDULE 1

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

Work No. 1

An existing dam works, overflow level 246.25 metres or thereby above Ordnance Datum, incorporating a compensation water pipe and situated at the outlet of the existing Kilmannan Reservoir (Work No. 2) where the stream known as the Auldmurroch Burn leaves the said reservoir.

Work No. 2

An existing reservoir known as Kilmannan Reservoir lying on the west side of the existing dam works (Work No. 1) and extending 976 metres or thereby in a westerly direction from the said dam works (Work No. 1) to the point where the stream known as the Auchingree Burn runs into it.

Work No. 3

An approved gauge to measure the quantity of water discharged by the Council from the said reservoir (Work No. 2) situated in the bed of the said Auldmurroch Burn 52 metres or thereby downstream of the dam works (Work No. 1).

Work No. 4

An intake pipe, situated in the said reservoir 35 metres or thereby west of the existing dam works (Work No. 1), and leading to the pumphouse (Work No. 5).

Work No. 5

A pumphouse situated on the north-east shore of Kilmannan Reservoir 35 metres or thereby north-west of the existing dam works (Work No. 1).

Article 3

SCHEDULE 2

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 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 taken by the works.