STATUTORY INSTRUMENTS

1982 No. 61 (S.11)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council (Loch Eck Reservoir) Water Order 1982

Made - - - -	21*st January* 1982
Coming into Operation	21*st January* 1982

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 section 107(1)(b) of the said Water (Scotland) Act 1980, 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 (Loch Eck Reservoir) Water Order 1982 and shall come into operation on 21st January 1982.

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 a period of 24 hours reckoned from midnight;

"deposited plans" means the three plans each prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively:

"The Strathclyde Regional Council (Loch Eck Reservoir) Water Order 1982 Catchment Area Plan, Sheet No 1";

"The Strathclyde Regional Council (Loch Eck Reservoir) Water Order 1982 Plan and Longitudinal Section of Reservoir, Sheet No 2";

and "The Strathclyde Regional Council (Loch Eck Reservoir) Water Order 1982 Plan and Sections, Sheet No 3" one copy of each 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 or measuring the level of the loch;

"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 existing works and the proposed works 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 plans, have constructed and maintained or 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), (4) and (5) 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.

Revocation of order of 1970

4. The Argyll Water Board (Loch Eck) Water Order 1970 (a) shall cease to have effect on the day on which the Council commence discharging water under Article 6(2) of this order.

PART II

Water rights

5. Subject to the provisions of this order, the Council may, for the purposes of the undertaking, impound and take water by means of the works from the reservoir known as Loch Eck Reservoir in the Argyll and Bute district of the Strathclyde Region.

6.—(1) During the construction of the works the Council may take from the said Loch Eck Reservoir such water as they may require for such construction.

(2) Commencing not later than 3 months after the date of issue of the preliminary certificate given by the Engineer acting in terms of the Reservoirs (Safety Provisions) Act 1930 (b) stating that water may be impounded within the Loch Eck Reservoir (Work No 2) the Council shall discharge into the River Eachaig that issues from the south end of the said Loch Eck Reservoir during every day, in a uniform and continuous flow, (a) a minimum quantity of water being not less than 31,800 cubic metres (7 million gallons), and (b) in the event of the level of water in the reservoir exceeding 20.965 metres above Ordnance Datum, a quantity of water not less than 90,900 cubic metres (20 million gallons), all as measured through or over an approved gauge (Work No 3) incorporated in the dam (Work No 1), always provided that any reduction from 90,900 cubic metres (20 million gallons) to 31,800 cubic metres (7 million gallons), in the volume of compensation water discharged in terms of this paragraph shall be achieved in a series of steps over a period of not less than 8 hours as measured through or over an approved gauge (Work No 3).

(3) After the completion of the works the Council shall not in any one day take from the said Loch Eck Reservoir a quantity of water greater than 10,900 cubic metres (2.4 million gallons) as measured through or over the existing approved gauge (Work No 5).

(a) S.I. 1970/906.
(b) 1930 c.51.

7. If the power to take water conferred by this order has not been exercised within ten years from the date on which the order comes into operation the said power shall cease.

PART III

Miscellaneous

8. 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 one copy of each of the deposited plans.

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
21st January 1982

SCHEDULE 1 Article 2

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

Work No 1

A dam with an overflow sill at a level of 21.045 rising to 21.145 metres or thereby above Ordnance Datum being an alteration to an existing weir and situated in Loch Eck Reservoir at its outlet to the River Eachaig, 800 metres or thereby north, north east of the building designated on Sheet 2 of the deposited plans as Benmore Farm and incorporating a discharge control sluice and an approved gauge for measuring in accordance with Article 6(2) of the foregoing order, the specified water level of 20.965 metres above Ordnance Datum on Loch Eck Reservoir (Work No 2) and an approved gauge (Work No 3).

Work No 2

A reservoir (Loch Eck Reservoir) commencing at the dam (Work No 1) and extending over the said Loch Eck Reservoir.

Work No 3

An approved gauge incorporated in the dam (Work No 1) for measuring the amount of compensation water to be discharged from Work No 2 through the discharge control sluice incorporated in Work No 1 and consisting of a channel with an outlet weir, the said outlet weir having a crest level of 20.400 metres or thereby above Ordnance Datum and the said gauge incorporating the means to indicate the specified discharge of compensation water and the specified reduction in discharge over a period of not less than eight hours in accordance with Article 6(2) of the foregoing order.

Work No 4

An existing intake situated on the west bank of Loch Eck Reservoir at a point 1100 metres or thereby north of the building designated on Sheet 2 of the deposited plans as Benmore Farm.

Work No 5

An approved gauge for measuring abstractions from the said reservoir (Work No 2) through the existing intake (Work No 4) the said gauge already existing and incorporated in an existing treatment works on the west bank of Loch Eck Reservoir at a point some 1100 metres or thereby north of the building designated on Sheet 2 of the deposited plans as Benmore Farm.

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 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.