STATUTORY INSTRUMENTS

1982 No. 849 (S.116)

WATER SUPPLY, SCOTLAND

The Tayside Regional Council (Lochbroom Burn, Ballinluig) Water Order 1982

Made - - - - -	21*st June* 1982
Coming into Operation	28*th June* 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 of all other powers enabling him in that behalf, on the application of the Tayside Regional Council, hereby makes the following Order:—

PART I

Citation and commencement

1. This Order may be cited as the Tayside Regional Council (Lochbroom Burn, Ballinluig) Water Order 1982 and shall come into operation on 28th June 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 Tayside Regional Council as water authority;
"day" means a period of 24 hours reckoned from midnight;
"deposited plans" means the two plans each prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively "The Tayside Regional Council (Lochbroom Burn, Ballinluig) Water Order 1982 Plan of Catchment Area" and "The Tayside Regional Council (Lochbroom Burn, Ballinluig) Water Order 1982 Plan of Works", 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 principal office of the Council at Dundee;
"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 existing and proposed works described in Schedule 1 to this Order and shown on the deposited plans 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 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 lands or sufficient rights therein.

Incorporation and application of provisions of the Fourth Schedule to the Act

3. The provisions of section 10(3) and (4) 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.

PART II

Water rights

4. Subject to the provisions of this Order, the Council may for the purposes of the undertaking and by means of the weir (Work No. 1) and intake (Work No. 2) take water from the stream known as the Lochbroom Burn in the Parish of Logierait and the District of Perth and Kinross.

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

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

(*a*) take from the said Lochbroom Burn such a quantity of water as will at any time reduce the flow of water therein to a rate of flow of less than 450 cubic metres per day measured through or over an approved gauge to be installed by the Council at the said weir (Work No. 1);

(*b*) in any day take from the said Lochbroom Burn a quantity of water greater then 225 cubic metres 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 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 their principal office a copy thereof and 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 June 1982.

SCHEDULE 1

The works referred to in this Order and shown on the deposited plan marked "The Tayside Regional Council (Lochbroom Burn, Ballinluig) Water Order 1982 Plan of Works" are:—

Work No. 1. An existing weir, incorporating an approved gauge, situated on the Lochbroom Burn at a point 590 metres or thereby measured in an easterly direction from the bridge carrying the unclassified road from Ballinluig to Pitcastle over the Lochbroom Burn at Milton of Dalcapon.

Work No. 2. An intake, collecting and compensation chamber, incorporating an approved gauge, adjoining Work No. 1 and situated on the north bank of the Lochbroom Burn.

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 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.

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