STATUTORY INSTRUMENTS

1978 No. 1607 (S. 149)

WATER SUPPLY, SCOTLAND

The Tayside Regional Council (River Ardle, Bridge of Cally) Water Order 1978

Made - - - - 9*th November* 1978

Coming into Operation 16*th November* 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 of and Schedule 17 to the Local Government (Scotland) Act 1973(d) and section 38(1) of and paragraph 56 of Part II of Schedule 6 to the Local Government (Scotland) Act 1975(e), 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 (River Ardle, Bridge of Cally) Water Order 1978 and shall come into operation on 16th November 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 Tayside Regional Council as water authority;

"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 (River Ardle, Bridge of Cally) Water Order 1978: Catchment Area" and "The Tayside Regional Council (River Ardle, Bridge of Cally) Water Order 1978: 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 office of the Council at Tayside House, Crichton Street, 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;

(a) 1946 c. 42. (b) 1949 c. 31. (c) 1967 c. 78.
(d) 1973 c. 65. (e) 1975 c. 30.

"undertaking" means the water undertaking for the time being of the Council;

"works" means the 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 marked "The Tayside Regional Council (River Ardle, Bridge of Cally) Water Order 1978: Plan of Works", 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 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 44(1) of the Act and set out in Schedule 2 to this order shall 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, take water by means of the works from the river known as the River Ardle in the Parishes of Blairgowrie and Kirkmichael and District of Perth and Kinross in the Tayside Region.

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

(2) After the completion of the works the Council shall not in any one day of 24 hours reckoned from midnight take from the said River Ardle a quantity of water greater than 100 cubic metres 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 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 6 months from the date on which this order comes into operation keep at the office of the Council at Tayside House, Crichton Street, Dundee a copy thereof and of each of the deposited plans.

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.
9th November 1978.

SCHEDULE 1 *Article 2*

The works referred to in this order and shown on the deposited plan marked "The Tayside Regional Council (River Ardle, Bridge of Cally) Water Order 1978: Plan of Works" are:—

Work No. 1

An intake situated on the north bank of the River Ardle 42 metres or thereby measured in a straight line in a westerly direction from the point marked X at the south-westmost corner of the building known as Steps of Cally, all as shown on the said Plan of Works.

Work No. 2

A pumphouse situated on the north bank of the said River Ardle 6 metres or thereby in a northerly direction from the intake (Work No. 1).

Work No. 3

An approved gauge for measuring the quantity of water taken by the Council, situated on the rising main leading from the pumphouse (Work No. 2) at a point thereon 8 metres or thereby in a north-easterly direction from the said pumphouse.

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 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 sub-section, 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 sub-section—

(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.