
STATUTORY INSTRUMENTS

1983 No. 1944 (S.182)

WATER SUPPLY, SCOTLAND

The Shetland Islands Council (Loch of Watlee) Water Order 1983

<i>Made - - - -</i>	19th December 1983
<i>Coming into Operation</i>	26th December 1983

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 Shetland Islands Council, hereby makes the following order:—

PART I

Citation and commencement

1. This order may be cited as the Shetland Islands Council (Loch of Watlee) Water Order 1983 and shall come into operation on 26th December 1983.

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 Shetland Islands 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 Shetland Islands Council (Loch of Watlee) Water Order 1983 Plan of Catchment Area” and “The Shetland Islands Council (Loch of Watlee) Water Order 1983 Plan and Sections 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 Chief Executive to the Council at Lerwick;

“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;

“works” means the 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 plan marked “The Shetland Islands Council (Loch of Watlee) Water Order 1983 Plan and Sections 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 land or sufficient rights therein.

Incorporation and application of provisions of Schedule 4 to the Act

3. The provisions of section 2 of Part II and of sections 10(3) and (4) of Part III of Schedule 4 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 works, take water from the Loch of Watlee in the District of Unst in the Shetland Islands.

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

(2) After the completion of the works the Council shall not in any day take from the said Loch of Watlee a quantity of water greater than 1500 cubic metres 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 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 one copy of each of the deposited plans.

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



Eric H. Nicoll,
Deputy Chief Engineer.

Scottish Development Department,
New St. Andrew's House,
Edinburgh.
19th December 1983.

SCHEDULE 1

Article 2

The works referred to in this order and shown on the deposited plan marked "The Shetland Islands Council (Loch of Watlee) Water Order 1983 Plan and Sections of Works" are—

- Work No. 1* An intake in a chamber with side weirs having a sill level of 19.19 metres or thereby above Ordnance Datum situated 15 metres or thereby in a south westerly direction from the jetty at the south end of the said Loch of Watlee.
- Work No. 2* A pump house, incorporating an approved gauge to measure the quantity of water abstracted from the said Loch of Watlee, situated 15 metres or thereby measured in a south easterly direction from the intake (*Work No. 1*).

SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in this order are—

Section 2

In the construction of the works the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked "The Shetland Islands Council (Loch of Watlee) Water Order 1983 Plan and Sections of Works" and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Provided that—

- (a) no weir shall be constructed with a sill level lower than that shown on the said plan; and
- (b) except for the purpose of crossing a stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons interested in those lands has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the said plan.

Section 10(3)

If the Council—

- (a) fail to instal or maintain in good order any such gauge as is mentioned in the Shetland Islands Council (Loch of Watlee) Water Order 1983, 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 the Shetland Islands Council (Loch of Watlee) Water Order 1983,

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 £200, and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction, to a fine not exceeding £1,000; and
- (ii) on conviction on indictment, to a fine.

Section 10(4)

For the purposes of the Shetland Islands Council (Loch of Watlee) Water Order 1983 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 the said order in relation to any such stream.