
STATUTORY INSTRUMENTS

1994 No. 3308 (S.195)

WATER SUPPLY, SCOTLAND

The Strathclyde Regional Council
(Loch Assapol) Water Order 1994

Made - - - - 22nd December
1994

Coming into force

For the purposes of article
4 in accordance with article
1(2)

For all other purposes 1st January 1995

The Secretary of State, in exercise of the powers conferred on him by sections 17(2), 29(1) and 107(1)(b) of the Water (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, on the application of the Strathclyde Regional Council, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Strathclyde Regional Council (Loch Assapol) Water Order 1994 and shall, subject to paragraph (2), come into force on 1st January 1995.

(2) Article 4 shall come into force on the expiry of the period of 90 days beginning with the day on which water is first taken by the Council in terms of articles 5 and 6(2) of this Order.

Interpretation

2. In this Order—

“the Act” means the Water (Scotland) Act 1980;

“approved” means approved by the Secretary of State;

“the Council” means the Strathclyde Regional Council as water authority;

“day” means a period of 24 hours reckoned from midnight;

“deposited plan” means the plan, prepared in duplicate, docquetted and signed as relative to this Order and marked “The Strathclyde Regional Council (Loch Assapol) Water Order 1994 Plan of Catchment Area, Location Plan and Plans and Sections of Works Nos. 1, 2, 3, 4 & 5”;

(1) 1980 c. 45; see section 109(1) for the definition of “local enactment”.

one copy of which is deposited in the Scottish Office, New St Andrew's House, Edinburgh, and the other in the office of the Chief Executive of 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;

“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, propose to construct and maintain for the purpose of providing a supply of water when they have acquired the necessary land or sufficient rights therein.

Incorporation and application of the provisions of Schedule 4 to the Act

3. The provisions of sections 2, 10(3) and 10(5) of Schedule 4 to the Act⁽²⁾, modified and adapted to read as set out in Schedule 2 to this Order, shall apply to the undertaking in so far as affected by the provisions of this Order, and the terms used in the provisions of those sections, as so modified and adapted, which are defined in this Order, shall have the same meaning as in this Order.

Revocation of Orders of 1959, 1962 and 1981

4. The Argyll County Council (Loch Poit Na H-I) Water Order 1959⁽³⁾, the Argyll County Council (Allt an Fhir-eoin, Bunessan) Water Order 1962⁽⁴⁾ and the Strathclyde Regional Council (Loch Poit Na H-I) (Amendment) Water Order 1981⁽⁵⁾ are hereby revoked.

Water rights

5. Subject to the provisions of this Order, the Council may, for the purposes of the undertaking—

- (a) by means of an intake pipe (Work No.2), take water from the loch known as Loch Assapol in the Argyll and Bute District of the Strathclyde Region; and
- (b) by means of a weir and embankment (Work No.4) raise the level of the said Loch Assapol by 500 millimetres or thereby.

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

(2) After completion of the works the Council—

- (a) shall not in any one day take from Loch Assapol a quantity of water greater than 785 cubic metres as measured through or over an approved gauge (Work No.2); and
- (b) shall discharge into the Bunessan River from Loch Assapol in a uniform and continuous flow compensation water at a rate of not less than 2600 cubic metres per day as measured through or over an approved gauge (Work No.5).

7. If the power to take water conferred by this Order has not been exercised within ten years from the date on which this Order, except for article 4, comes into force the said power shall cease.

(2) Section 2 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 81(15)(a); section 10(3) was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21), Schedule 7D, paragraph 62 (as inserted by the Criminal Justice Act 1982 (c. 48) “the 1982 Act”, Schedule 6) and Schedule 15, paragraph 27 of the 1982 Act.

(3) S.I. 1959/2298.

(4) S.I. 1962/435.

(5) S.I. 1981/1787.

Miscellaneous

8. The Council shall at all times after the expiration of six months from the date on which this Order, except for article 4, comes into force keep at the office of the Chief Executive to the Council a copy thereof and a copy of the deposited plan.

The Scottish Office Environment Department 27
Perth Street,
Edinburgh
22nd December 1994

T D Macdonald
Deputy Chief Engineer, Scottish Office

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SCHEDULE 1

Article 2

The works referred to in this Order and shown on the deposited plan marked “The Strathclyde Regional Council (Loch Assapol) Water Order 1994 Plan of Catchment Area, Location Plan and Plans and Sections of Works Nos. 1, 2, 3, 4 & 5” are—

Work No.1

A raw water intake consisting of a suction pipe 150mm in diameter situated close to the north bank of Loch Assapol at a point some 190m or thereby southwest of the building designated on the deposited plan as Loch Assapol Farm.

Work No.2

An approved gauge to measure the amount of water abstracted by the intake (Work No.1).

Work No.3

An inlet pumphouse situated on the north bank of Loch Assapol some 170m or thereby southwest of the building designated on the deposited plan as Loch Assapol Farm.

Work No.4

An embankment some 75m in length at a level of 19.71m above Ordnance Datum situated 55m or thereby west of the outlet of Loch Assapol as shown on the deposited plan, a diversion of the Bunessan River over a length of 62.5m or thereby at the embankment and a weir with an overflow sill at a level of 18.9m above Ordnance Datum situated at the embankment.

Work No.5

An approved gauge to measure and record the amount of water discharged as compensation water to the Bunessan River from the weir, Work No.4.

SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purpose of, 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 Strathclyde Regional Council (Loch Assapol) Water Order 1994 Plan of Catchment Area, Location Plan and Plans and Sections of Works Nos. 1, 2, 3, 4 & 5” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that—

- (a) no weir across a watercourse shall be constructed at a greater height above the general bed level of a watercourse than that shown on the said plan and 100 millimetres in addition thereto; and
- (b) except for the purposes 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—

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- (a) fail to install or maintain in good order any such gauge as is mentioned in the Strathclyde Regional Council (Loch Assapol) Water Order 1994, 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 Strathclyde Regional Council (Loch Assapol) Water Order 1994,

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 level 3 on the standard scale and, in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction, to a fine not exceeding the statutory maximum; and
- (ii) on conviction on indictment, to a fine.

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 or abstracted by the works.