SCOTTISH STATUTORY INSTRUMENTS

2001 No. 369

WATER SUPPLY

The North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001

Made - - - -	*8th October 2001*
Coming into force - -	*9th October 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 17(2), 29(1) and 107(1)(b) of the Water (Scotland) Act 1980(**1**) and of all other powers enabling them in that behalf, on the application of the North of Scotland Water Authority(**2**), hereby make the following Order:

Citation and commencement

1. This Order may be cited as the North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001 and shall come into force on 9th October 2001.

Interpretation

2. In this Order–

"the Act" means the Water (Scotland) Act 1980;

"approved" means approved by the Scottish Ministers;

"the Authority" means the North of Scotland Water Authority established under section 62 of the Local Government etc. (Scotland) Act 1994(**3**);

"day" means a period of 24 hours reckoned from midnight;

"deposited plan" means the plan, prepared in duplicate, docqueted and signed as relevant to this Order and marked "North of Scotland Water Authority (River Lochy Abstraction Scheme) Water Order 2001 Plan of Catchment Area and Plan and Section of Works" one copy of which is deposited in the office of the Scottish Executive, Victoria Quay, Edinburgh, and the other in the office of the Chief Executive of the Authority at Cairngorm House, Beechwood Park North, Inverness;

(**1**) 1980 c. 45; section 17(2) and section 107(1)(b) were amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 119; see section 109(1) for definition of "local enactment". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) The North of Scotland Water Authority was established under section 62 of the Local Government etc. (Scotland) Act 1994 (c. 39).

(**3**) 1994 (c. 39).

"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 Authority for the purpose of the undertaking;

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

"works" means the works described in Schedule 2 to this Order which the Authority, in exercise of the powers conferred on them by section 21 of the Act(**4**) and in the lines and situations and according to the general dimensions shown on the deposited plan, 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 sections 2 and 10(3) and (4) of Schedule 4 to the Act(**5**), as modified and adapted to read as set out in Schedule 1 to this Order, shall apply to the undertaking insofar 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.

Water rights

4. Subject to the provisions of this Order, the Authority may, for the purposes of the undertaking and by means of the wellfield forming Work No. 1, referred to in Schedule 2 to this Order, take water from the gravels adjacent to the river known as the River Lochy in the Lochaber Area of the Highland Council.

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

(2) After completion of the works the Authority may in any day, by means of the wellfield forming Work No. 1, referred to in Schedule 2 to this Order, take from the said gravels adjacent to the River Lochy a quantity of water not greater than 10,500 cubic metres, as measured and recorded by an approved gauge forming part of Work No. 2, referred to in Schedule 2 to this Order.

6. If the power to take water conferred by this Order has not been exercised on or before 9th October 2011, the said power shall cease.

Revocation

7. The County of Inverness (Allt Odhar, Spean Bridge) Water Order 1962(**6**), The County of Inverness (River Loy, Corpach) Water Order 1964(**7**), The Argyll County Council (Allt Mor, Trislaig) Water Order 1968(**8**), The Argyll Water Board (Allt Blaich Mhoir) Water Order 1968(**9**), The Argyll Water Board (Allt Meadhonach, Achaphubuil) Water Order 1970(**10**), The Highland Regional Council (Allt Beinn Chlianaig) Water Order 1977(**11**) are hereby revoked.

(**4**) Section 21 was substituted by the Local Government etc. (Scotland) Act 1994, section 108.
(**5**) Section 2 of Schedule 4 was amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 81(15)(a); section 10(3) was amended by the Criminal Justice Act 1982 (c. 48), Schedule 15, paragraph 27 and by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 2. The provisions of Schedule 4 to the Act are referred to as sections.
(**6**) S.I.1962/651.
(**7**) S.I. 1964/1769.
(**8**) S.I. 1968/667.
(**9**) S.I. 1968/1121.
(**10**) S.I. 1970/754.
(**11**) Order dated 15th March 1977, approving Minute of Agreement between the British Aluminium Company Limited and the Lochaber Power Company and the Highland Regional Council, dated 14th October, 27th October and 19th November 1976.