

SCHEDULE 2

Article 3

The modifications and adaptations of Schedule 4 to the Act referred to in Article 3 of this Order are—

Section 2

“In the construction of the works described in Schedule 1 to the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999, the West of Scotland Water Authority may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan marked “The West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999 Plan of Catchment Area, Location Plan and Plans and Sections of Work Nos. 1 4” and they may also deviate vertically from the levels shown on that plan to any extent:

Provided that—

- (a) no structure within the watercourse shall be constructed at a greater height above the general bed level than that shown on the said plan and 150 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 West of Scotland Water Authority—

- (a) fail to construct or maintain in good order any such gauge as is mentioned in the West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999, 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 West of Scotland Water Authority (Lochranza – Allt Easan Biorach) Water Order 1999,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable, in the case of any 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.”