

## SCHEDULE 2

Article 3

The provisions of Schedule 4 to the Act referred to in, and as modified and adapted for the purposes 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 Highland Regional Council (Kilfinnan Burn) Water Order 1992 Location Plan and Plans and Sections of Works Nos.1, 2, 3, 4 and 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 the watercourse than that shown on the said plan and 100 millimetres in addition thereto; 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 install or maintain in good order any such gauge as is mentioned in the Highland Regional Council (Kilfinnan Burn) Water Order 1992, 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 Highland Regional Council (Kilfinnan Burn) Water Order 1992,

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(4)**

For the purposes of this section as applied by the Highland Regional Council (Kilfinnan Burn) Water Order 1992 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 section as applied by the said Order in relation to any such stream.