
STATUTORY INSTRUMENTS

1957 No. 1130 (S. 64)

WATER, SCOTLAND

The Burgh of Inverurie (Bennachie) Water Order, 1957

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<i>Made</i> - - - - -	24th June, 1957
<i>Coming into Operation</i>	24th June, 1957

in exercise of the powers conferred on me by subsection (2) of section 21 and subsection (1) of section 44 of the Water (Scotland) Act, 1946(a), as amended by the Water (Scotland) Act, 1949(b), and of all other powers enabling me in that behalf, I, on the application of the Council hereby make the following order:—

PART I

Interpretation, etc.

1. This order may be cited as the Burgh of Inverurie (Bennachie) Water Order, 1957.

2. In this order, unless the text otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

"Act" means the Water (Scotland) Act, 1946;

"approved" means approved by the Secretary of State;

"Council" means the Town Council of the Burgh of Inverurie;

"deposited plans" means the three plans prepared in duplicate, sealed with the seal of the Secretary of State for Scotland and marked respectively "The Burgh of Inverurie (Bennachie) Water Order, 1957, Catchment Area", "The Burgh of Inverurie (Bennachie) Water Order, 1957, Site plan", and "The Burgh of Inverurie (Bennachie) Water Order, 1957, Plan of Works", one duplicate of each of which is deposited in the office of the Department of Health for Scotland, and the other in the office of the Council at Inverurie;

"gauge" includes a gauge weir or other apparatus for measuring the flow of water;

"undertakers" means the Council.

"undertaking" means the water undertaking for the time being of the Council.

"works" means the Works Nos. 1 to 3 described in the schedule to this order which the Council in exercise of the powers conferred on them by section 24 of the Act, with the consent of the Secretary of State, and in the lines and situations and according to the levels shown on the deposited plans marked "The Burgh of Inverurie (Bennachie) Water Order 1957, Site Plan" and "The Burgh of Inverurie (Bennachie) Water Order, 1957, Plan of Works" propose to construct and maintain for the purpose of providing a supply of water within their district under the Act when they have acquired the necessary lands or sufficient rights therein.

(a) 9 & 10 Geo. 6. c. 42.

(b) 12, 13 & 14 Geo. 6. c. 31.

3. The provision of subsections (3) and (4) of section 10 of Part III of the Fourth Schedule to the Act are hereby incorporated in this order subject to the following modifications:—

- (a) in paragraph (a) of subsection (3) for the word "construct" and for the words "as aforesaid" there shall be substituted respectively the word "instal" and the words "as is mentioned in this order";
- (b) in paragraph (b) of subsection (3) for the words "subsection (1) of this section" there shall be substituted the words "this order", and the words "from the stream" and the words from "or fail" to the end of the paragraph shall be omitted; and
- (c) in subsection (4) for the word "section" wherever it occurs there shall be substituted the word "order" and the words from the beginning of the subsection to the words "Secretary of State; and", the words "and a navigation authority", the words "and the discharge of water into", the words "or as the case may be, any part of their system of navigation", and the words "or any part of that system" shall be omitted,

PART II

Water Rights

4. Subject to the provisions of this order the Council may

- (a) during the construction of the works take from all or any of the burns hereinafter mentioned such water as they may require for such construction;
- (b) for the purposes of the undertaking on completion of the works
 - (i) by means of the catchwater pipe (work No. 1) divert the water of the Ginshie Burn in the parish of Oyne and County of Aberdeen to the Clachie Burn in the said parish and County;
 - (ii) by means of the intake (work No. 2) take from the said Clachie Burn water not exceeding in any day of twenty-four hours reckoned from midnight a quantity of 70,000 gallons measured through or over an approved gauge;
 - (iii) by means of the intake (work No. 3) take from the Rushmill Burn in the said parish and County, water not exceeding in any day of twenty-four hours reckoned from midnight a quantity of 70,000 gallons measured through or over an approved gauge.

5. After the completion of the works the Council shall not take water

- (a) from the said Clachie Burn when the rate of flow of water therein is less than 11,000 gallons per day, or
- (b) from the said Rushmill Burn when the rate of flow of water therein is less than 12,000 gallons per day.

the respective rates of flow being measured through or over an approved gauge which the Council shall instal at an approved point on each of the said burns, before taking any water therefrom.

6. If the power to take water conferred by this order has not been exercised within a period of 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 their principal office a copy thereof.

Dated this 24th day of June, 1957.

John S. MacLay,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh 1.

SCHEDULE

The works referred to in this order and shown on the deposited plans are:—

Work No. 1. A catchwater pipe commencing at a point in the Giuslie Burn 750 yards or thereby measured downstream from its source on the Mither Tap and terminating in a point at the Clachie Burn 525 yards or thereby measured in a westerly direction from work No. 2.

Work No. 2. An intake on the said Clachie Burn situated at a point 1,400 yards or thereby measured in a westerly direction from the point where the said burn passes underneath the road from Monymusk to Chapel of Garioch.

Work No. 3. An intake on the said Rushmäll Burn situated at a point 50 yards or thereby measured in a west-south-westerly direction from the waterfall known as the Linn.

This is the Burgh of Inverurie (Bennachie) Water Order 1957 dated Twenty-fourth June Nineteen hundred and fifty seven referred to in the foregoing Disposition.

M. Lucia Smith

Ken A. P. P. P.

Alick L. Buchanan Smith