

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Water Byelaws (Restrictions) Ordinance, 1976 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XX, p. 383; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Water Restrictions (Amendment) Ordinance, 1997 (No. XXIV of 1997); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

# ORDINANCE OF THE STATES OF DELIBERATION

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## **The Water Byelaws (Restrictions) Ordinance, 1976**

### ARRANGEMENT OF SECTIONS

1. Byelaws sanctioned.
2. Offences.
3. Repeal.
4. Saving.
5. Citation.

SCHEDULE Byelaws made by the States' Trading Supervisory Board under the provisions of Article thirty of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Île aux Habitants de la dite Île" registered on the seventh day of May, nineteen hundred and twenty-seven.

(Made on 17th May, 1976.)

## **The Water Byelaws (Restrictions) Ordinance, 1976**

**WHEREAS** the States Water Board on the seventeenth day of May, nineteen hundred and seventy-six, made the Byelaws set out in the Schedule to this Ordinance:

**NOW THEREFORE THE STATES LEGISLATION COMMITTEE**, in exercise of the powers conferred upon them by paragraph (3) of Article sixty-six of the Reform (Guernsey) Law, 1948<sup>a</sup>, and in pursuance of the powers now vested in them by Article thirty of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Île aux Habitants de la dite Île" registered on the seventh day of May, nineteen hundred and twenty-seven<sup>b</sup>, hereby order: –

### **Byelaws sanctioned.**

1. The Byelaws set out in the Schedule to this Ordinance are hereby sanctioned.

### **Offences.**

2. Any person who contravenes or fails to comply with the provisions of Byelaw 1 of the Byelaws set out in the Schedule to this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding in the case of a first offence, [level 1 on the uniform scale] and, in the case of a second or any subsequent offence, [level 2 on the uniform scale].

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### **NOTE**

*In section 2, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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### **Repeal.**

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 288.

<sup>b</sup> Ordres en Conseil Vol. VIII, p. 112.

3. The Water Byelaws (Restrictions) Ordinance, 1973<sup>c</sup> is hereby repealed.

**Saving.**

4. Any notice given by the [States' Trading Supervisory Board] under the Byelaws set out in the Schedule to the Ordinance repealed under the provisions of the last preceding section shall remain in force until revoked by a notice given by the said Board under the Byelaws set out in the Schedule to this Ordinance.

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**NOTE**

*In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016.<sup>1</sup>*

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**Citation.**

5. This Ordinance may be cited as the Water Byelaws (Restrictions) Ordinance, 1976.

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**NOTE**

*The Ordinance was made and came into operation on 17th May, 1976.*

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<sup>c</sup> Recueil d'Ordonnances Tome XIX, p. 113.

SCHEDULE

*Byelaws made by the [States' Trading Supervisory Board] under the provisions of Article thirty of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Île aux Habitants de la dite Île" registered on the seventh day of May, nineteen hundred and twenty-seven*

1. A person shall not, during such period as may be specified in a notice in that behalf given by the [States' Trading Supervisory Board] (hereinafter referred to as "**the Board**") and signed by the [President] or [Vice-President] thereof or, if no period is so specified until the date on which any such first mentioned notice is revoked by the Board by a further notice given and signed as aforesaid, use water supplied by the Board in pursuance of the provisions of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Île aux Habitants de la dite Île" registered on the seventh day of May, nineteen hundred and twenty-seven, for all or such of the following purposes as may be specified in any such notice –

- (a) for the purposes of –
  - (i) cleaning any vehicle, aircraft or boat, or
  - (ii) cleaning any window or shopfront, or
  - (iii) watering any flower garden or lawn, or
  - (iv) watering any vegetable garden in which vegetables are grown otherwise than for the purposes of sale, or
  - (v) watering any outdoor crops which are grown for the purposes of sale,

or for such purposes otherwise than by such means as may be specified in any such notice,

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- (b) for any purpose relating to the enjoyment of a dwelling house as such by the use of a hose, sprinkler or other similar apparatus,
- [(c) for the purposes of filling or replenishing –
  - (i) any swimming pool situated within the curtilage of a dwelling house,
  - (ii) any swimming pool associated with a bona fide educational establishment,
  - (iii) the swimming pools situated at the Beau Séjour Centre,
  - (iv) any swimming pool situated in a commercial health or leisure centre, or in other commercial premises,
  - (v) any swimming pool situated within the curtilage of, or otherwise associated with, premises covered by a boarding permit,
  - (vi) any non-domestic swimming pool used wholly or mainly for therapeutic purposes,
  - (vii) any other non-domestic swimming pool administered by a public, community or charitable organisation,]
- (d) for the purposes of operating a dish washing machine in a dwelling house,
- (e) for the purposes of operating an automatic car wash,
- (f) for the purposes of cleaning any premises by a high

pressure jet or other similar means,

- (g) for the purposes of cleaning a glasshouse,
- (h) for the purposes of operating a laundry, laundrette or similar premises,
- (i) for the purposes of cleansing a private sewer within the meaning of the Sewerage (Guernsey) Law, 1974.

2. Any notice given by the Board under the provisions of the last preceding Byelaw shall be published on at least one occasion in "La Gazette Officielle" preceding the date on which such notice comes into force.

3. In these Byelaws the expression "**dwelling house**" means any premises, or any part of any premises, wholly or principally used or usable for the purposes of human habitation and includes any part of such a dwelling and the expression "**boat**" means anything used for the conveyance by water of human beings or of property.

4. These Byelaws may be cited as the Water (Restrictions) Byelaws, 1976.

Dated this seventeenth day of May, nineteen hundred and seventy-six.

R. C. BERRY,  
President of the States Water Board  
for and on behalf of the Board.

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#### NOTES

*In the Schedule,*

*the words, first, "States' Trading Supervisory Board" and, second, "President" and "Vice-President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016;<sup>2</sup>*

*sub-paragraph (c) of paragraph 1 was substituted by the Water Restrictions (Amendment) Ordinance, 1997, section 1, Schedule, paragraph 1, with effect from 9th June, 1997.*

*The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 31, with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 31, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Water Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 31, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.