

Island of Guernsey

Ordinance of the States **XXXVI**

1979

Made 12th December, 1979.

Coming Into Operation ... 1st January, 1980.

The Water Charges Ordinance, 1979

THE STATES, in pursuance of their Resolution of the twenty-eighth day of November, nineteen hundred and seventy-nine, and in exercise of the powers conferred upon them by Article seventeen of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile" registered on the seventh day of May, nineteen hundred and twenty-seven, as amended, hereby order:—

1. (1) Subject to the succeeding provisions of this section, the owner or the occupier of any property which is not for the time being furnished with a supply of water by the Board but who is desirous that that property should be furnished with a supply of water by the Board or the owner or occupier of any property which is for the time being furnished with a supply of water by the Board otherwise than by measure may, by notice in writing, require the Board to furnish that property with a supply of water for any purpose by measure.

Supply of
water by
measure.

(2) Where the Board is required by notice in writing in pursuance of the provisions of the last preceding subsection to furnish a supply of water by measure to any property which, on the thirty-first day of December, nineteen hundred and seventy-nine, was being furnished with a supply of water by the Board otherwise than by measure, the Board shall not be required by such notice as aforesaid to commence to furnish that property with a supply of water by measure prior to the first day of July, nineteen hundred and eighty.

(3) Where the Board is required after the first day of July, nineteen hundred and eighty, by notice in writing in pursuance of the provisions of subsection (1) of this section to furnish a supply of water by measure to any property, the Board shall not be required to commence to furnish that property with a supply of water by measure until such time as is, in the opinion of the Board, reasonable or practicable in the circumstances of the case.

(4) The occupier of any property who is not the owner thereof but who is desirous that that property should be furnished with a supply of water by the Board by measure may not, without the agreement in writing in that behalf of the owner of that property, require the Board by notice in writing in pursuance of the provisions of subsection (1) of this section to furnish that property with a supply of water by measure.

Supply of water to property supplied by measure.

2. (1) Subject to the succeeding provisions of this section, the owner or the occupier of any property which is for the time being furnished with a supply of water by the Board by measure may not require the Board to furnish that property with a supply of water otherwise than by measure.

(2) The Board may, upon the application of the owner or the occupier of a dwelling house which is for the time being furnished with a supply of water for domestic purposes by the Board by measure, furnish a supply of water for such purposes otherwise than by measure if, in the opinion of the Board, there are special reasons for furnishing that dwelling house with a supply of water for domestic purposes otherwise than by measure.

(3) Any person aggrieved by a refusal of the Board to furnish a dwelling house with a supply of water for domestic purposes otherwise than by measure under the provisions of the last preceding subsection may appeal therefrom to the Royal Court on the grounds that the refusal of the Board was ultra vires or an unreasonable exercise of its powers.

3. The owner or the occupier of any property any part of which is for the time being used for any trade, business or other commercial purposes may not require the Board to furnish that property with a supply of water otherwise than by measure. Supply of water to commercial property.

4. (1) The owner or the occupier of a dwelling house which is for the time being furnished with a supply of water for domestic purposes by the Board otherwise than by measure may require the Board to furnish such supply for such purposes at the charges specified in paragraph 4 of the Schedule to this Ordinance. Supply of water for domestic purposes.

(2) Where any property has been furnished with a supply of water by the Board for the purposes of constructing a dwelling house thereon the first owner or occupier of that dwelling house may, by notice in writing, require the Board to furnish that dwelling house with a supply of water for domestic purposes at the charges specified in paragraph 4 of the Schedule to this Ordinance.

Charges for a supply of water by measure and meter rents.

5. (1) The charges which may be made by the Board for a supply of water furnished to any property by the Board by measure shall be:—

- (a) in the case of such a supply of water for domestic purposes, the charges specified in paragraph 1 of the Schedule to this Ordinance;
- (b) in the case of such a supply of water for other than domestic purposes which is of a quality suitable for supply for domestic purposes, the charges specified in paragraph 1 of the Schedule to this Ordinance;
- (c) in the case of such a supply of untreated water for irrigation purposes, the charges specified in paragraph 2 of the Schedule to this Ordinance.

(2) The quarterly rent which may be charged by the Board for a meter installed in any property which is furnished with a supply of water by the Board by measure (hereinafter referred to as "a quarterly meter rent") shall be, in respect of the sizes of meters specified in the left hand column of the Table set out in paragraph 3 of the Schedule to this Ordinance, the charges per quarter specified in the right hand column of that Table in relation to those sizes of meters respectively.

Charges for a supply of water for domestic purposes otherwise than by measure.

6. The charges which may be made by the Board for a supply of water for domestic purposes furnished to any property by the Board otherwise than by measure shall be the charges specified in paragraph 4 of the Schedule to this Ordinance.

Period of payment of charges to dwelling house.

7. The charges which may be made by the Board for a supply of water for domestic purposes furnished to any dwelling house in accordance with subsection (1) of section four of this Ordinance shall be pay-

able in respect of any period during which the dwelling house is usable for the purposes of human habitation and the supply pipe thereto is connected to the mains of the Board.

8. Notwithstanding the provisions of section four, section five or section six of this Ordinance, the Board may make such charges for a supply of water furnished to any property by the Board as may be agreed between the Board and the owner or the occupier of that property and subject to such other terms and conditions, if any, as may be so agreed.

Supply of water by agreement; charges, etc.

9. The charge which may be made by the Board for the use of a hosepipe for any purpose on any property which is furnished with a supply of water by the Board otherwise than by measure shall be the charge specified in paragraph 5 of the Schedule to this Ordinance.

Charge for hosepipe.

10. (1) The Board may make such charge for—

- (a) the installation of a meter on any property which is for the time being furnished with a supply of water by the Board otherwise than by measure, and
- (b) the removal of a meter from any property which is for the time being furnished with a supply of water by the Board by measure.

Charge for installation and removal of meter.

as will, on average, meet the reasonable cost to the Board of such installation or such removal, as the case may be.

(2) The Board may, if it thinks fit, permit payment of any charge made under the provisions of paragraph (a) of the last preceding subsection to be made by instalments within such time, not exceeding two years, as the Board considers the circumstances warrant.

(3) Where the Board permits payment of any charge made under the provisions of paragraph (a) of subsection (1) of this section to be made by instalments, each instalment shall be due and payable on the date ascertained in accordance with the permission in relation to that instalment, but, if an instalment is not paid on or before the date so ascertained, the whole of any such charge outstanding shall be due and payable on that date.

Recovery of
meter rents
and certain
charges.

11. A quarterly meter rent or any charge made under the provisions of subsection (1) of the last preceding section may be recovered by the Board as a civil debt due to the States from the occupier of the property on which the meter is installed or from the person who required the meter to be installed or removed, as the case may be.

Transition-
al pro-
visions.

12. Notwithstanding the repeal of the States Water Supply (Maximum Rates) Ordinance, 1979, and any of the preceding provisions of this Ordinance, the charges which may be made by the Board for a supply of water furnished to any property by the Board for which an account is rendered during the period commencing on the first day of January, nineteen hundred and eighty, and ending on the thirty-first day of March, nineteen hundred and eighty, shall be at the rates in force under the provisions of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile" registered on the seventh day of May, nineteen hundred and twenty-seven, as amended^(a) immediately before the date of the coming into force of this Ordinance.

(a) Ordres en Conseil Vol. VIII, p. 112; Vol. XVII, p. 525; Vol. XII, p. 546; No. XVII of 1978; Ordinance No. XXVI of 1979.

13. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“the Board” means the States Water Board;

“the Cadastre” means the Cadastre prepared and maintained under the provisions of the Cadastre Law, 1947, as amended(b);

“a dwelling house” means any premises used or usable for the purposes of human habitation;

“a supply of water for domestic purposes” means a sufficient supply of water for drinking, washing, cooking and sanitary purposes and includes a sufficient supply of water for watering a garden and for washing a vehicle kept for private use where the water is drawn from a tap and no hosepipe or garden sprinkler or similar unattended apparatus is used but does not include—

(a) a sufficient supply of water for any bath having a capacity measured to the centre line of the overflow pipe in excess of two hundred and thirty litres, or

(b) a sufficient supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises.

14. The States Water Supply (Maximum Rates) Ordinance, 1979, is hereby repealed.

15. This Ordinance may be cited as the Water Charges Ordinance, 1979.

(b) Ordres en Conseil Vol. XIII, p. 78; Vol. XVII, p. 23; Vol. XX, p. 135.

Commence-
ment.

16. This Ordinance shall come into force on the first day of January, nineteen hundred and eighty.

SCHEDULE

Charges for the supply of water and quarterly meter rents

1. *Charges for the supply of water for domestic purposes and, in the case of water suitable for domestic purposes, for other purposes by measure—*
 - (a) a fixed charge of £4.50 per quarter, and
 - (b) a charge at the rate of 26 new pence per cubic metre of water supplied.
2. *Charges for the supply of untreated water for irrigation purposes by measure—*
 - (a) a fixed charge of £4.50 per quarter, and
 - (b) a charge at the rate of 22 new pence per cubic metre of water supplied.
3. *Quarterly meter rents—*

TABLE

Size of meter	Quarterly rent
$\frac{1}{2}$ inch (13 mm) diameter	£1.50
$\frac{3}{4}$ inch (20 mm) diameter	£2.00
1 inch (25 mm) diameter	£3.00
1 $\frac{1}{2}$ inches (40 mm) diameter	£3.50
2 inches (50 mm) diameter	£4.00
3 inches (75 mm) diameter	£4.50

4. *Charges for the supply of water for domestic purposes otherwise than by measure—*
 - (a) a fixed charge of £4.50 per quarter, and

- (b) a charge per quarter at the rate of 20% in the pound of the rateable value as inscribed in the Cadastre of the property supplied including the close, curtilage or precincts thereof.

Where a new property, the rateable value of which is not inscribed in the Cadastre, is furnished with a supply of water for domestic purposes by the Board, the rateable value of that property for the purposes of this paragraph shall, until a rateable value for that property is inscribed in the Cadastre, be deemed to be such rateable value as may be reasonably assessed by the Board; when a rateable value of that property is inscribed in the Cadastre the Board may recover the amount by which any charges based on the assessment of the rateable value made by the Board falls short of the charges which would have been made based on the rateable value inscribed in the Cadastre and shall refund the amount by which the charges made as aforesaid exceed the charges which would have been made as aforesaid.

5. *Charge for the use of a hosepipe on any property furnished with a supply of water by the Board otherwise than by measure—*

Nil.

W. J. GAUDION,
Her Majesty's Deputy Greffier.