

Island of



Guernsey

# Ordinance of the States

XI  
1991

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Made ... ..

25th April, 1991.

Coming into Operation ... ..

1st May, 1991.

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## The Water Charges Ordinance, 1991

THE STATES, in pursuance of their Resolution of the 28th day of February, 1991(a), and in exercise of the powers conferred upon them by Article 17 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 7th day of May, 1927, as amended(b), and of all other powers enabling them in that behalf, hereby order:-

### Supply of water by measure.

1.(1) Subject to subsections (2) and (3), the owner or occupier of -

- (a) a property not supplied with water by the Board; or

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(a) Article XVII of Billet d'Etat No. V, 1991.

(b) Ordres en Conseil Vol. VIII, p.112; and Vol. XXVI, p.536.

(b) a property supplied with water by the Board otherwise than by measure, may, by notice in writing, require the Board to supply the property with water for any purpose by measure.

(2) Where the Board is required by notice under subsection (1) to supply water by measure to a property, the Board shall not be obliged to furnish the supply until, in the Board's opinion, it is reasonable or practicable in the circumstances of the case to do so.

(3) The occupier of a property who is not the owner thereof may not require the Board by notice under subsection (1) to supply the property with water by measure unless he has obtained the written agreement in that behalf of the owner of the property.

Properties supplied by measure.

2.(1) Subject to subsections (2) and (3), the owner or occupier of a property which is or the curtilage of which is supplied with water by the Board by measure may not require the Board to supply the property with water otherwise than by measure.

(2) The Board, upon the application of the owner or occupier of a dwelling-house supplied with water for domestic purposes by the Board by measure, may supply the dwelling-house with water for such purposes otherwise than by measure if, in the Board's opinion, there are special reasons to do so.

(3) A person aggrieved by a refusal of the Board to supply a dwelling-house with water for domestic

purposes otherwise than by measure under subsection (2) may appeal to the Royal Court sitting as an Ordinary Court on the grounds that the Board's refusal was ultra vires or unreasonable.

Supply of water to commercial property.

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

Supply of water for domestic purposes.

4.(1) The owner or occupier of a dwelling-house supplied with water for domestic purposes by the Board otherwise than by measure may require the Board to furnish the supply for such purposes at the charges specified in paragraph 2 of the Schedule.

(2) Where a property is supplied with water by the Board for the purposes of constructing a dwelling-house thereon, the first purchaser of the completed dwelling-house may, by notice in writing, require the Board to supply the dwelling-house with water for domestic purposes at the charges specified in paragraph 2 of the Schedule.

(3) The provisions of this section do not apply, and accordingly the owner or occupier of the dwelling-house may not require the Board to supply the dwelling-house with water for domestic purposes at the charges specified in paragraph 2 of the Schedule, if the

dwelling-house or its curtilage, or any part thereof,  
is -

- (a) supplied with water by the Board by measure;
- (b) used for a trade, business or other commercial purpose; or
- (c) inscribed in the Cadastre as being so used.

Charges for a supply of water by measure.

5. The charges which may be made by the Board for a supply of water to a property by measure are specified in paragraph 1 of the Schedule.

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 to a property otherwise than by measure are specified in paragraph 2 of the Schedule.

Rateable value of new properties.

7.(1) Where a new property, the rateable value of which is not yet inscribed in the Cadastre, is supplied with water for domestic purposes by the Board, the Board may, for the purpose of calculating the charges which may be made under section 4 or 6 for the supply, estimate a rateable value for the property.

(2) If the rateable value of the property, when inscribed in the Cadastre, differs from the rateable value as so estimated, the amount (if any) by which the

charges actually paid differ from the charges which would have been payable had they been calculated according to the inscribed rateable value shall be refunded by or (as the case may be) paid to the Board.

(3) An amount to be paid to the Board under subsection (2) is recoverable as if it were a charge for a supply of water.

Period of payment of charges for dwelling-house.

8. The charges which may be made by the Board for a supply of water for domestic purposes to a dwelling-house in accordance with section 4(1) shall be payable in respect of any period during which -

- (a) the dwelling-house is usable for the purposes of human habitation; and
- (b) the supply pipe thereto is connected to the Board's mains.

Supply of water by agreement; charges, etc.

9.(1) Notwithstanding sections 4, 5 and 6, the Board may make such charges for a supply of water to a property as may be agreed between the Board and the owner or occupier of the property.

(2) Such an agreement may be made subject to any terms and conditions whatsoever.

Charge for hosepipe.

10.(1) The charges which may be made by the Board for the use of a hosepipe on a property supplied with

water otherwise than by measure are specified in paragraph 3 of the Schedule.

(2) A charge made under subsection (1) is recoverable as if it were a charge for a supply of water.

Charge for installation of meter.

11.(1) The Board may make such charge for the installation of a meter on a property supplied with water by the Board otherwise than by measure as will meet the average reasonable cost to the Board of such an installation.

(2) A charge made under subsection (1) is recoverable as if it were a charge for a supply of water.

Charges for reconnecting supplies.

12.(1) Where, for any reason, the Board shuts off and subsequently reconnects the supply of water to a property by turning the Board's stop-cock which controls the supply, the Board may charge, in respect of the reconnection, the appropriate fee specified in paragraph 4 of the Schedule.

(2) A fee chargeable under subsection (1) is recoverable as if it were a charge for a supply of water.

Fractions of penny to be disregarded.

13. In determining the amount due to the Board from any person in respect of a supply of water, the Board may disregard any amount of less than one penny.

Interpretation.

14. In this Ordinance, unless the context otherwise requires -

"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(c);

"curtilage", in relation to any property or dwelling-house, means any land adjoining and in the same ownership as the property or house; and land does not cease to be part of a curtilage by reason only of the fact that -

(a) there exists upon the land or property any wall, hedge, ditch or other boundary feature; or

(b) there is inscribed in the Cadastre more than one number in respect of the land and the property or house;

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

"rateable value" means the rateable value inscribed in the Cadastre;

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

"a supply of water for domestic purposes" means a sufficient supply of water for drinking, washing, cooking and sanitary purposes, and for watering a garden and washing a vehicle kept for private use where the water is drawn from a tap and no garden sprinkler or similar unattended apparatus (other than a hand-held hosepipe) is used, but does not include a sufficient supply of water for a bath with a capacity measured to the centre line of the overflow pipe in excess of 230 litres.

Repeals.

15. The Water Charges Ordinance, 1979(d), the Water Charges (Amendment) Ordinance, 1985(e) and the Water Charges (Amendment) Ordinance, 1989(f) are repealed.

Transitional.

16. Notwithstanding the repeals effected by section 15, the charges which may be made by the Board for a supply of water in respect of which an account is rendered before 1st August, 1991 shall be at the rates

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(d) Recueil d'Ordonnances Tome XXI, p. 377.  
(e) Recueil d'Ordonnances Tome XXIII, p. 318.  
(f) No. XI of 1989.

applicable immediately before the commencement of this Ordinance.

Citation.

17. This Ordinance may be cited as the Water Charges Ordinance, 1991.

Commencement.

18. This Ordinance shall come into force on 1st May, 1991.

## SCHEDULE

Charges for water and hosepipes

1. The charges which may be made under section 5 for a supply of water to a property by measure are -
- (a) a charge of 43 pence per cubic metre of water supplied; and
  - (b) the quarterly charge in column 2 below appearing opposite the size shown in column 1 of the meter which measures the property's supply.

1. Size of meter	2. Quarterly charge
½" (15 mm)	£13.30
¾" (20 mm)	£13.30
1" (25 mm)	£14.80
1½" (40 mm)	£16.80
2" (50 mm)	£17.80
3" (75 mm)	£18.80
4" (100 mm)	£20.80

2. The charge which may be made under section 4 or 6 for a supply of water for domestic purposes to a property otherwise than by measure is the quarterly charge in column 2 below appearing opposite the band of rateable values in column 1 which contains the aggregate of the rateable values of the property and its curtilage.

1. Bands of rateable values	2. Quarterly charge
0-19	£15.30
20-29	£18.60
30-39	£21.90
40-49	£25.20
50-59	£28.50
60-69	£31.80
70-79	£35.10
80-89	£38.40
90-99	£40.70
100 and over	33% of rateable value plus a fixed charge of £10.50.

3. Nil.

4. (a) £40.00 (where the Board considers that the shutting-off or subsequent reconnection of the supply in question by the Board's employee has caused that employee to undertake duties outside his normal working hours).
- (b) £25.00 (in any other case).

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