

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

Ordonnance relative aux Fosses d'Aisance (Puits-Perdus) et Latrines, 1940 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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 IX, p. 143; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Public Health and Related Offences (Increase in Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 280); and to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288).

ORDINANCE
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**Ordonnance relative aux Fosses d'Aisance (Puits-Perdus) et
Latrines, 1940**

ARRANGEMENT OF SECTIONS

Clearance of cesspools, latrines, or earth-closets.
Penalty.

(Made on the 31st August, 1940.)

Ordonnance relative aux Fosses d'Aisance (Puits-Perdus) et Latrines, 1940

LA COUR, sur les representations de l'Officier Médical de Santé et ouïes les conclusions des Officiers du Roi, a ordonné et ordonne:—

Clearance of cesspools, latrines, or earth-closets.

It shall be an offence to place on or in or to distribute over or to cause or allow to be placed on or in or to be distributed within 60 feet of any human dwelling or of or in any fruit or vegetable garden any matter extracted by the clearance or partial clearance thereof from any cesspool, latrine or earth-closet used partially or exclusively for the reception of human excreta whether the place of distribution be a yard, garden, field or other place, cultivated or uncultivated, except at such place and at such time as the States Medical Officer of Health may permit and on fulfilling such conditions as that Officer may prescribe — provided however that in cases where the space available to the occupant of the place does not permit of the matter resulting from such clearance being distributed at a distance of 60 feet or more from the human dwelling and the fruit and vegetable gardens nearest thereto then it shall be a defence to any proceedings under this Ordinance to show that the matter was buried completely as far from every such place as was reasonably practicable in the circumstances.

NOTES

The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, article 1, Schedule, Part III, with effect from 13th March, 1948.

The Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, with effect from 1st January, 1949, subject to the exceptions, adaptations and modifications set out in the First Schedule to the 1948 Ordinance.

In its application to the Island of Alderney, the Ordinance is modified in accordance with the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VII, with effect from 1st January, 1949.

Certain references in this Ordinance shall have effect in accordance with

the provisions of the Alderney (Application of Legislation) Ordinance, 1948, section 3, with effect from 1st January, 1949.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

Penalty.

Any person contravening this Ordinance shall be amenable to a fine not exceeding [level 2 on the uniform scale] for a first offence and to a fine not exceeding [level 3 on the uniform scale] for each subsequent offence.

NOTES

In this section,

the words and figure in the first pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;¹

the words and figure in the second pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(5), Schedule, Part II, with effect from 1st July, 1989.²

The Ordinance was made and came into operation on 31st August, 1940.

¹ These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.

² These words and figure were previously substituted by the Public Health and Related Offences (Increase in Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.