

**ORDINANCE**  
**OF THE STATES OF DELIBERATION**

ENTITLED

**The Environmental Pollution (Water Pollution) Ordinance,**  
**2022 \***

*[CONSOLIDATED TEXT]*

**NOTE**

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\* No. \*\* of 2022.

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Environmental Pollution (Water Pollution) Ordinance, 2022**

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(Made on 24th November, 2022.)

## **The Environmental Pollution (Water Pollution) Ordinance, 2022**

**THE STATES**, in pursuance of their Resolutions of the 1<sup>st</sup> November, 2012<sup>a</sup> and the 25<sup>th</sup> November, 2022<sup>b</sup>, and in exercise of the powers conferred on them by sections 3, 13, 14, 22, 34, 39, 41, 58 to 62, 64, 69(2) and 72 of the Environmental Pollution (Guernsey) Law, 2004<sup>c</sup> and all other powers enabling them in that behalf, hereby order: –

### PART I

#### PRESCRIBED OPERATIONS AND LICENSING

##### **Discharges into Guernsey's water resources to be prescribed operations.**

**1.** (1) The following, being operations which, in the opinion of the States, may involve a risk of environmental pollution, are prescribed as operations for the carrying on of which a licence is required under Part III of the Law –

- (a) the discharge into the sea of trade effluent or sewage effluent, and
- (b) the discharge into any water (other than the sea) on or below the surface of the ground including, without limitation, into –

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**a** Article VI of Billet d'État No. XXI of 2012.

**b** Article IV of Billet d'État No. XX of 2022.

**c** Order in Council No. XIII of 2004; this enactment has been amended.

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(i) a lake, pond, reservoir, stream, ditch or other watercourse (whether natural or artificial), and

(ii) a well or borehole,

of trade effluent or sewage effluent.

(2) Subsection (1) –

(a) is subject to any exemption provided for under section 3 of the 2010 Ordinance, as applied by section 2(1)(a),

(b) does not include a discharge of trade effluent or sewage effluent to the extent that it is made into water within –

(i) a sewer or drain, or

(ii) a water fitting,

but, for the avoidance of doubt, includes the onward discharge of effluent from a sewer, drain or water fitting into other water,

(c) does not include, subject to subsection (3), a discharge made in the course of the carrying out of an activity described in column 1 of the table in Part I of Schedule 2.

(3) For the avoidance of doubt, for the purposes of subsection (2)(c), a discharge into the sea or any other water from a combined sewer overflow is to be treated as falling within subsection (1).

(4) If any operation falls within a description in subsection (1) and in Schedule 2 to the Air Pollution Ordinance it shall, subject to subsection (5), be treated as only being prescribed under the Air Pollution Ordinance.

(5) If any discharge of effluent falls within a description in subsection (1) and in section 1 of the 2010 Ordinance, including an operation treated as being prescribed only under the 2010 Ordinance under section 2(2) of the Air Pollution Ordinance, it shall be treated as –

- (a) falling only within section 1 of the 2010 Ordinance where the principal operations on the site in question relate to disposal of waste in or on land, and
- (b) in any other case, as only being prescribed under this Ordinance.

**Application of licensing provisions in 2010 Ordinance.**

2. (1) Despite any provisions of the 2010 Ordinance to the contrary, the following licensing provisions of the 2010 Ordinance apply in relation to a description of operation prescribed under section 1 –

- (a) section 3 (exemptions),
- (b) section 4 (licence and related applications and fees),  
and
- (c) section 5 (requirements for applications, accompanying plans, maps and other documents),

except that the reference to "environmental pollution" in section 3(1) is to be read as

also including water pollution.

(2) For the avoidance of doubt, the Director may specify different requirements under sections 4 and 5 of the 2010 Ordinance in relation to different descriptions of operation set out in section 1.

## PART II

### SURFACE WATER AND GROUNDWATER QUALITY STANDARDS

#### **Establishment of water quality standards for surface water and groundwater.**

3. (1) The standards for water quality for surface water and groundwater in Schedule 1 are established for the purposes of sections 3(3) to (5) and 41 of the Law.

(2) The standards comprise –

(a) maximum limits for the concentration of pollutants in surface water and groundwater in Part I of Schedule 1, and

(b) required characteristics for surface water and groundwater in Part II of Schedule 1.

(3) The maximum limit for the concentration in surface water or groundwater of a pollutant described in column 1 of the table in Part I of Schedule 1 is set out in the corresponding entry in column 3 of the table in Part I of Schedule 1 per unit of measurement of water specified in the corresponding entry in column 2 of the table in Part I of that Schedule.

(4) The standard for the required characteristics for surface water or groundwater described in column 1 of the table in Part II of Schedule 1 is set out in

the corresponding entry in column 3 of the table in Part II of Schedule 1 per unit of measurement for that required characteristic specified in the corresponding entry in column 2 of the table in Part II of that Schedule.

- (5) The Director –
  - (a) is required to take into account any relevant requirements or maximum limits established under this section in considering an application for a licence in accordance with section 14(3)(b) of the Law, and
  - (b) may attach to a licence, conditions intended to ensure the attainment of maximum limits prescribed under subsection (3) in accordance with section 16(2)(b) of the Law.
- (6) The Director may by regulations amend Schedule 1.

### PART III

#### OTHER ACTIVITIES LIKELY TO PRESENT A THREAT OF WATER POLLUTION

**General requirements for other activities likely to present a threat of water pollution.**

4. (1) A person must not carry out any works or other activities specified in column 1 of the table in Part I of Schedule 2 unless they are carried on in accordance with all the requirements specified for those works or that activity in the corresponding entry in column 2 of the table in Part I of that Schedule.

(2) Part II of Schedule 2 has effect for the purposes of the interpretation of that Schedule.

(3) A person carrying on any works or other activity specified under subsection (1), must have regard to any guidance the Director may issue under this subsection in relation to any requirement specified in relation to that work or activity.

(4) The Director may by regulations amend Schedule 2.

#### PART IV

#### PROHIBITIONS IN RELATION TO WATER POLLUTION

##### **Prohibitions in relation to water pollution.**

5. (1) A person must not cause or permit the contravention of a standard specified under section 3.

(2) A person must not cause or permit –

(a) the occurrence of water pollution, or

(b) a risk of water pollution to arise.

#### PART V

#### CONSEQUENTIAL AMENDMENTS AND MODIFICATION

##### **Modification of the Enforcement and Appeals Ordinance.**

6. Where any provision of the Enforcement and Appeals Ordinance is exercised in relation to –

(a) a prescribed operation prescribed under section 1, or

- (b) a prohibition, restriction, requirement or condition imposed under this Ordinance,

any reference to "environmental pollution" in the Enforcement and Appeals Ordinance is to be construed as if it also includes "water pollution" and any reference to "pollutant" is to be construed as if it means a pollutant falling within section 2(3) or section 40(1)(c) of the Law.

**Amendment of the Enforcement and Appeals Ordinance.**

7. The Enforcement and Appeals Ordinance is amended as set out in Schedule 3.

**Other consequential amendments.**

8. Schedule 4, which provides for consequential amendments, has effect.

PART VI

INTERPRETATION AND GENERAL PROVISIONS

**Defence to offences concerning contraventions of sections 4 or 5.**

9. (1) The following defences are available in addition to that under section 69(1) of the Law.

(2) In any proceedings for an offence relating to a contravention of section 4(1) or 5(1) or (2), it shall be a defence for the accused to prove –

- (a) that the accused acted under instructions from the accused's employer and neither knew, nor had reason to suppose, that the acts done by the accused contravened sections 4(1), 5(1) or (2), as the case may be, or

- (b) that the acts alleged to constitute the offence were done in an emergency in order to avoid danger to the public and that as soon as reasonably practicable after they were done, particulars of the acts were furnished to the Director in writing.

(3) In any proceedings for an offence relating to the contravention of section 4(1), it shall be a defence for the accused to prove, in relation to a requirement (however worded) in the table in Part I of Schedule 2 ("**the table**"), not to locate or do anything, or to prevent something occurring, within a specified distance of –

- (a) a spring that supplies water for human consumption, or
- (b) a well or borehole that is not capped in such a way so as to prevent the ingress of water,

that the accused has taken reasonable measures to ascertain whether or not there is such a spring, well or borehole within the specified distance and has found no evidence of the same.

(4) In any proceedings for an offence relating to a contravention of section 5(1) or (2), it shall be a defence for the accused to prove that the contravention of a standard or the introduction of a pollutant or the risk of the same, as the case may be, occurred under and in accordance with, or as a result of any act or omission under and in accordance with –

- (a) a licence to carry on a prescribed operation granted under section 15 of the Law, or

- (b) a licence granted under Part II of the Food and Environment Protection Act 1985<sup>d</sup>.

(5) In any proceedings for an offence relating to a contravention of section 5(1) or (2), it shall be a defence for the accused to prove that –

- (a) the contravention of a standard or the introduction of a pollutant or the risk of the same, as the case may be, occurred in the course of the carrying on of works or another activity specified in column 1 of the table, and
- (b) that the works or other activity was carried on in accordance with all the requirements for those works or other activity specified in the corresponding entry in column 2 of the table.

**Interpretation.**

**10.** (1) In this Ordinance, unless the context requires otherwise –

**"the Air Pollution Ordinance"** means the Environmental Pollution (Air Pollution) Ordinance, 2019<sup>e</sup>,

**"combined sewer overflow"** means an overflow from a combined sewer system, into the sea or other water, usually during times of heavy precipitation, of a mix of stormwater and untreated waste water to prevent upstream flooding,

**"combined sewer system"** means a sewer system that it used to

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<sup>d</sup> An Act of Parliament, c. 48.

<sup>e</sup> Ordinance No. XXXVIII of 2019.

convey both waste water and stormwater in a single pipe to a treatment plant,

**"domestic sewage"** includes –

- (a) the contents of lavatories,
- (b) water used for washing or cooking (except for water used for the business of a laundry or for a business of preparing food or drink), and
- (c) surface water except where it is mixed with any effluent falling within paragraph (a) of the definition of trade effluent,

**"drain"** has the meaning given by section 29(1) of the Sewerage (Guernsey) Law, 1974<sup>f</sup>,

**"effluent"** means any liquid, including particles of matter and other substances in suspension in the liquid,

**"the Enforcement and Appeals Ordinance"** means the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019<sup>g</sup>,

**"groundwater"** means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or the subsoil,

**"Guernsey"** includes the Islands of Guernsey, Herm and Jethou, all

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<sup>f</sup> Ordres en Conseil Vol. XXIV, p. 372; this enactment has been amended.

<sup>g</sup> Ordinance No. XXXIX of 2019.

other islands, islets and rocks around the coast of those Islands, whether or not attached at low water, and all of the territorial waters adjacent thereto,

**"the Law"** means the Environmental Pollution (Guernsey) Law, 2004,

**"the 2010 Ordinance"** means the Environmental Pollution (Waste Control and Disposal) Ordinance, 2010<sup>h</sup>,

**"pollutant"** means a pollutant falling within section 2(3) or section 40(1)(c) of the Law,

**"sewage effluent"** includes any effluent from the sewage disposal or sewerage works of the Guernsey Water division of the States' Trading Supervisory Board but does not include surface water,

**"surface water"** means any water on the surface of the ground including water which has drained from roofs and other structures,

**"trade effluent"** –

- (a) means any effluent, which is wholly or partly produced in the course of any trade or industry carried on at trade premises, and
- (b) in relation to any trade premises, means any such effluent which is so produced in the course of any trade or industry carried on at those premises,

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<sup>h</sup> Ordinance No. XVIII of 2010; this enactment has been amended.

but does not include domestic sewage,

**"trade premises"** means, subject to subsection (2), any premises used or intended to be used for carrying on any trade or industry,

**"waste"** has the meaning in the Law except that it does not include –

- (a) radioactive waste, or
- (b) any substance which is explosive within the meaning of the Explosives (Guernsey) Law, 1905<sup>i</sup>,

**"water"**: see section 2(4) of the Law,

**"water fitting"** means a water fitting (including, without limitation, a pipe, tap, cistern, bath, sink, water closet or soil pan) installed or used to convey or receive water but, for the avoidance of doubt, does not include a well or a borehole, and

**"water pollution"** means introduction into Guernsey's water resources of any pollutant.

(2) For the purposes of this Ordinance any land or premises used or intended for use (in whole or in part and whether or not for profit) –

- (a) for agricultural or horticultural purposes or for the purposes of fish farming,
- (b) for scientific research or experiment, or

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<sup>i</sup> Ordres en Conseil Vol. III, p. 414; this enactment has been amended.

- (c) for the carrying on of a hospital,

are deemed to be premises used for carrying on a trade or industry; and the references to a trade or industry in the definition of "**trade effluent**" in subsection (1) include references to agriculture, horticulture, fish farming, scientific research or experiment and the carrying on of a hospital.

**Relationship with public health legislation.**

11. For the avoidance of doubt, nothing in this Ordinance affects the operation of the Loi relative à la Santé Publique, 1934<sup>J</sup> or any enactment made under it.

**Transitional provisions.**

12. Schedule 5, which makes transitional provision, has effect.

**Repeals.**

13. Schedule 6, which makes repeals, has effect.

**Extent.**

14. This Ordinance has effect in Guernsey.

**Citation.**

15. This Ordinance may be cited as the Environmental Pollution (Water Pollution) Ordinance, 2022.

**Commencement.**

16. (1) This Ordinance shall, subject to subsection (2), come into force

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<sup>j</sup> Ordres en Conseil Vol. IX, p.386; this enactment has been amended.

on the 28<sup>th</sup> November, 2022.

(2) The following provisions of this Ordinance shall come into force on the 28<sup>th</sup> May, 2023 –

- (a) section 4(1) to (3) and Schedule 2, and
- (b) section 13 and paragraph 1 of Schedule 6, insofar as they repeal the States Water Supply (Prevention of Pollution) Ordinance, 1966<sup>k</sup> and the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1977<sup>l</sup>.

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<sup>k</sup> Recueil d'Ordonnances Tome XIV, p.311; this enactment has been amended.

<sup>l</sup> Recueil d'Ordonnances Tome XXI, p.6.

SCHEDULE 1

Section 3

WATER QUALITY STANDARDS FOR SURFACE WATER AND  
GROUNDWATER

PART I

MAXIMUM LIMITS FOR THE CONCENTRATION OF POLLUTANTS IN  
SURFACE WATER AND GROUNDWATER

<b>Pollutant</b>	<b>Unit of measurement</b>	<b>Standard relating to concentration of pollutant in surface water or groundwater</b>
Aluminium	µg/l	150
Ammonium (as Nitrogen)	mg/l	0.29
Benzene	µg/l	0.75
Cadmium	µg/l	3.75
Chloride	mg/l	188
Chlorine	mg/l	0.5
Chromium	µg/l	37.5
Copper	µg/l	1500
Ethylbenzene	µg/l	300
Fluoride	mg/l	1.13
Glyphosate	µg/l	0.075
Lead	µg/l	7.5
Manganese	mg/l	0.1
Mercury	µg/l	0.75
Nickel	µg/l	15
Nitrate (as NO <sub>3</sub> )	mg/l	42

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Perfluorooctanoic acid (PFOA)	µg/l	1
Perfluorooctane sulphonate (PFOS)	µg/l	1
Pesticides individual	µg/l	0.075
Pesticides total (including glyphosate)	µg/l	0.4
Radiation: gross alpha	Bq/l	0.1
Radiation: gross beta	Bq/l	1
Sodium	mg/l	150
Sulphate	mg/l	188
Surfactants (reacting with methyl blue)	mg/l	0.2
Total organic carbon	mg/l	5
Toluene	µg/l	40
Total iron	mg/l	1

PART II

REQUIRED CHARACTERISTICS FOR SURFACE WATER AND  
GROUNDWATER

<b>Required characteristic</b>	<b>Unit of Measurement</b>	<b>Standard for required characteristic</b>
Biochemical oxygen demand (5 day test)	mg O <sub>2</sub> /l	3
Colour	mg/l Pt/Co	50
Chemical oxygen demand, permanganate method	mg O <sub>2</sub> /l	7
Conductivity	µS/cm	1250
Dissolved oxygen	mg O <sub>2</sub> /l	7 (minimum)
Odour	Natural odour	Natural odour
Oil products (total)	mg/l	No visible film
pH	pH	6.5-8.5

Turbidity	NTU	20
Water temperature	°C	Natural temperature variations

**Notes to the Schedule.**

1. In this schedule, unless the context requires otherwise –

"MCPA" means 2-methyl-chlorophenoxyacetic acid,

"Pesticides" means –

- (a) any organic insecticide,
- (b) any organic herbicide,
- (c) any organic fungicide,
- (d) any organic nematocide,
- (e) any organic acaricide,
- (f) any organic algicide,
- (g) any organic rodenticide,
- (h) any organic slimicide, and
- (i) any substance related to any of those set out in items (a) to (h) including a growth regulator and any substance which is a relevant metabolite, degradation product or

reaction product of a substance falling within items (a) to (h), and

**"Pesticides total"** means the sum of the concentrations of the individual pesticides detected and quantified.

- (2) In this Schedule, unless the context requires otherwise –
- (a) "Bq/l" means becquerels per litre,
  - (b) "Mg/l" means milligrams per litre,
  - (c) "Mg O<sub>2</sub>/l" means the mass of dissolved oxygen consumed per litre of water,
  - (d) "Mg/1 Pt/Co" means 1 miligram per litre of platinum as chloroplatinate ion,
  - (e) "NTU" means Nephelometric Turbidity Units,
  - (f) "pH" means a figure expressing acidity or alkalinity on a logarithmic scale on which 7 is neutral, lower values are more acid and higher values more alkaline,
  - (g) "µg/l" means micrograms per litre, and
  - (h) "µS/cm" means micro-siemens per centimetre.

SCHEDULE 2

Sections 1(2)(c),  
4(1) and (2) and 9

GENERAL REQUIREMENTS FOR ACTIVITIES LIKELY TO PRESENT A  
THREAT OF WATER POLLUTION

PART I

WORKS OR OTHER ACTIVITIES AND RELATED REQUIREMENTS

Category of works or other activity	Requirements
(1) The abstraction from a borehole, or well and any subsequent discharge of the abstracted water.	(a) the abstraction must not cause the entry of – <ul style="list-style-type: none"> <li>(i) pollutants, or</li> <li>(ii) water of a different chemical composition from the body of groundwater it enters, into any body of groundwater, and</li> </ul> (b) in the case of abstraction from a borehole, when a borehole is not being used for abstraction, it must be back filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.
(2) The dredging of a douit, stream or ditch.	(a) vegetation on any bank of the douit, stream or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification, (b) any vegetation removed must not be disposed of into the channel, (c) all reasonable steps must be taken to prevent the transport of sediments or other matter disturbed by the works into waters beyond the worked stretch, and (d) all reasonable steps must be taken to avoid increased erosion of the bed or banks of the douit, stream or ditch as a result of the works.
(3) The construction, maintenance or removal of –	(a) vegetation on any bank of the douit, stream or ditch must be removed or modified only to the extent

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<p>(a) a bridge over a douit, stream or ditch, or</p> <p>(b) a surface water drainage system outfall which discharges into a douit, stream or ditch.</p>	<p>necessary to carry out the works,</p> <p>(b) any vegetation removed must not be disposed of into the channel,</p> <p>(c) all reasonable steps must be taken to ensure that the works do not result in increased erosion of the bed or banks of the douit, stream or ditch,</p> <p>(d) the activity must not result in any water pollution, and</p> <p>(e) in the case of the construction of any outfall, any outfall and associated works must be designed and constructed to be no larger than is necessary for the proper operation of the outfall.</p>
<p>(4) The laying of a pipeline or cable by boring beneath the bed and banks of a douit, stream or ditch.</p>	<p>(a) the bed and banks of the douit, stream or ditch must not be altered as a result of the works other than in accordance with requirements (b) and (d),</p> <p>(b) vegetation on any bank of the douit, stream or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification,</p> <p>(c) any vegetation removed must not be disposed of into the channel, and</p> <p>(d) as far as reasonably practicable, within 12 months of the commencement of the works, the bed and banks of the douit, stream or ditch must be reinstated to their condition prior to the commencement of the works.</p>
<p>(5) Works to control the erosion of a bank of a douit, stream or ditch by revetment.</p>	<p>(a) all reasonable steps must be taken to ensure that the works do not result in increased erosion of either bank of the douit, stream or ditch,</p> <p>(b) the works must not result in the destabilisation of the bed of the douit, stream or ditch upstream or downstream of the works,</p> <p>(c) vegetation on any bank of the douit, stream or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification,</p> <p>(d) any vegetation removed must not be disposed of</p>

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	<p>into the channel,</p> <p>(e) revetments must be constructed from one or more of the following: vegetation; geotextiles; wood other than wood treated with preservatives or non-grouted stone rip-rap,</p> <p>(f) the length of any revetment must be no more than 10 metres or one channel width, whichever is the greater,</p> <p>(g) if wood or stone rip-rap is used for a revetment, the wood or rip-rap must be placed at the toe of the bank,</p> <p>(h) the works must not result in the heightening of either bank, and</p> <p>(i) the revetments must be maintained in the state of repair required to avoid increased erosion of the banks or destabilisation of the bed.</p>
<p>(6) Operating any vehicle, plant or other equipment for the purpose of undertaking any activity falling within category (2) to (5) of this table.</p>	<p>(a) any vehicle, plant or other equipment must only operate in water where it is impracticable for it to operate on dry land,</p> <p>(b) the refuelling of vehicles, plant or other equipment must be undertaken at least 10 metres from any –</p> <p style="padding-left: 20px;">(i) douit, stream, ditch or pond as measured from the top of the bank, or</p> <p style="padding-left: 20px;">(ii) wetland,</p> <p>(c) any static plant or equipment used within 10 metres of any –</p> <p style="padding-left: 20px;">(i) douit, stream, ditch or pond as measured from the top of the bank, or</p> <p style="padding-left: 20px;">(ii) wetland,</p> <p>must be positioned on a suitably sized and maintained impervious drip tray with a capacity equal to 110% of the capacity of the fuel tank which is supplying the tank or equipment,</p> <p>(d) any vehicle, plant or other equipment used in or near any douit, stream, ditch, pond or wetland must not leak any oil, and</p> <p>(e) the washing of vehicles, plant or other equipment</p>

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	<p>must be undertaken at least 10 metres away from any –</p> <ul style="list-style-type: none"> <li>(i) drouit, stream, ditch or pond as measured from the top of the bank, or</li> <li>(ii) wetland.</li> </ul>
<p>(7) Discharge of water run-off from –</p> <ul style="list-style-type: none"> <li>(a) a surface water drainage system into Guernsey's water resources from buildings, roads, yards or any other built structures,</li> <li>(b) construction sites for buildings and other structures falling within category (7)(a), or</li> <li>(c) the construction or maintenance of any water outfall in or near to inland surface water which forms, or will form, part of a surface water drainage system.</li> </ul>	<ul style="list-style-type: none"> <li>(a) all reasonable steps must be taken to ensure that the discharge does not result in water pollution,</li> <li>(b) the discharge must not contain any trade effluent or sewage effluent and must not result in visible discolouration, iridescence, foaming or growth of sewage fungus in Guernsey's water resources,</li> <li>(c) the discharge must not result in the destabilisation of the banks or bed of the receiving waters,</li> <li>(d) the discharge must not contain any water run-off from – <ul style="list-style-type: none"> <li>(i) fuel delivery areas or areas where vehicles, plant or equipment are refuelled,</li> <li>(ii) vehicle loading or unloading bays where pollutants are handled, or</li> <li>(iii) oil and chemical storage, handling or delivery areas,</li> </ul> </li> <li>(e) in the case of discharge of water run-off from the construction or maintenance of a surface water outfall, all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid water pollution is prevented from entering the drainage system.</li> </ul>
<p>(8) Discharge of any substance into a surface water drainage system.</p>	<ul style="list-style-type: none"> <li>(a) oil, paint, paint thinners, pesticides, detergents, disinfectants or other pollutants must not be disposed of into a surface water drainage system or onto any surface that drains into a surface water drainage system,</li> <li>(b) any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid water pollution must not be disposed of into a surface water drainage system or</li> </ul>

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	<p>onto a surface that drains into a surface water drainage system,</p> <p>(c) trade effluent or sewage effluent must not be discharged into any surface water drainage system, and</p> <p>(d) on construction sites –</p> <p>(i) any area of exposed soil from which water drains into a surface water drainage system as described category (7)(b), and</p> <p>(ii) the period of time during which such water drains,</p> <p>must be such as is the minimum reasonably required to facilitate the construction works being undertaken at that site.</p>
<p>(9) The direct discharge of pollutants into groundwater as a result of construction or maintenance works in or on the ground which come into contact with groundwater.</p>	<p>(a) no solid or liquid materials coming into contact with groundwater may contain any pollutant which may cause significant water pollution, and</p> <p>(b) despite requirement (a), drilling fluids used during the works may come into contact with groundwater if necessary to facilitate any drilling provided this does not result in water pollution.</p>
<p>(10) The abstraction and subsequent return of groundwater for the purpose of extracting geothermal energy from the extracted water.</p>	<p>(a) the abstracted water must be returned to the same part of the geological formation from which it was abstracted,</p> <p>(b) any volume of water may be abstracted but the volume of water abstracted and not returned must not exceed 10m<sup>3</sup> per day,</p> <p>(c) the chemical composition of the abstracted water must not be altered prior to its return to the geological formation,</p> <p>(d) the temperature of the returned water must be reflective of the seasonal ambient ground water temperature,</p> <p>(e) there must be a means of demonstrating that the net abstraction is not more than 10m<sup>3</sup> in any one day, and</p> <p>(f) water leakage must be kept to a minimum by</p>

	<p>ensuring that all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a good state of repair.</p>
<p>(11) The storage or application of fertiliser other than –</p> <p>(a) that carried out in accordance with a licence granted under section 15 of the Law,</p> <p>(b) that which is exempt from the requirement for a licence granted under section 15 of the Law by virtue of an exemption made by regulations or written notice under section 3 of the 2010 Ordinance, or</p> <p>(c) that which is stored or used in accordance with the Control of Poisonous Substances (Guernsey) Regulations, 2014<sup>m</sup>.</p>	<p>(a) no fertiliser may be stored, including temporarily in a mobile tank or bowser, on land that –</p> <p>(i) is within 10 metres of any douit, stream, ditch or pond, as measured from the top of the bank, or of any wetland,</p> <p>(ii) is within 50 metres of any spring that supplies water for human consumption or any well or borehole that is not capped in such a way so as to prevent the ingress of water,</p> <p>(iii) is waterlogged, or</p> <p>(iv) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, unless the fertiliser is stored in an impermeable container,</p> <p>except where the fertiliser is stored in a building which is constructed and maintained to such a standard as is necessary to prevent run-off or seepage of fertiliser from the building,</p> <p>(b) no organic fertiliser may be applied to land that –</p> <p>(i) is within 10 metres of any douit, stream, ditch or pond, as measured from the top of the bank, or of any wetland or opening into a surface water drainage system,</p> <p>(ii) is within 50 metres of –</p> <p>(A) any spring that supplies water for human consumption, or</p> <p>(B) any well or borehole that is not capped in such a way so as to prevent the ingress of water,</p> <p>(iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured</p>

<sup>m</sup> G.S.I. No. 18 of 2014; this enactment has been amended.

	<p>rock, except where the application is for forestry operations,</p> <p>(iv) is frozen (except where the fertiliser is farm yard manure), waterlogged, or covered with snow, or</p> <p>(v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any douit, stream, ditch, pond or wetland, towards which the land slopes,</p> <p>(c) no inorganic fertiliser may be applied to land that–</p> <p>(i) is within 2 metres of any douit, stream, ditch or pond as measured from the top of the bank or of any wetland or opening into a surface water drainage system,</p> <p>(ii) is within 5 metres of any spring that supplies water for human consumption or any well or borehole that is not capped in such a way so as to prevent the ingress of water,</p> <p>(iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations,</p> <p>(iv) is frozen, waterlogged, or covered with snow, or</p> <p>(v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any douit, stream, ditch, pond or wetland, towards which the land slopes,</p> <p>(d) fertilisers must not be applied to land in excess of the nutrient needs of the crop,</p> <p>(e) any equipment used to apply fertiliser must be maintained in a good state of repair, and</p>
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	<p>(f) fertiliser must be applied on land in such a way and at such times that the risk of water pollution is minimised.</p>
(12) Keeping of livestock.	<p>(a) significant erosion or poaching of any land which is within 5 metres of any of the following must be prevented—</p> <ul style="list-style-type: none"> <li>(i) a stream, douit, pond or ditch as measured from the top of the bank,</li> <li>(ii) a wetland,</li> <li>(iii) a spring that supplies water for human consumption, or</li> <li>(iv) a well or borehole that is not capped in such a way so as to prevent the ingress of water, and</li> </ul> <p>(b) livestock must be prevented from entering any land that is within 5 metres of any spring which supplies water for human consumption or within 5 metres of any well or borehole that is not capped in such a way as to prevent ingress of water.</p>
(13) Cultivation of land.	<p>(a) no land may be cultivated for crops that is—</p> <ul style="list-style-type: none"> <li>(i) within 2 metres of any stream, ditch or pond, as measured from the top of the bank, or of any wetland,</li> <li>(ii) within 5 metres of any – <ul style="list-style-type: none"> <li>(A) spring that supplies water for human consumption, or</li> <li>(B) well or borehole that is not capped in such a way so as to prevent the ingress of water,</li> </ul> </li> <li>(iii) waterlogged,</li> </ul> <p>(b) moling of land must not be carried out on slopes that –</p> <ul style="list-style-type: none"> <li>(i) have an overall gradient in excess of 4.5°, and</li> <li>(ii) slope towards any douit, stream, ditch, pond or wetland, and</li> </ul> <p>(c) land must be cultivated in a way that minimises the</p>

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	risk of water pollution.
(14) The application or storage of pesticides.	<p>(a) the preparation of pesticide for application and the cleaning or maintenance of pesticide application equipment must be undertaken in a manner which prevents any spillages, run-off or washings from entering Guernsey's water resources,</p> <p>(b) pesticide application equipment must be maintained in a good state of repair,</p> <p>(c) pesticide application equipment must not be filled with water taken from any douit, stream, ditch, pond or wetland unless –</p> <p style="padding-left: 40px;">(i) a device preventing back siphoning is fitted to the system, or</p> <p style="padding-left: 40px;">(ii) the water is first placed in an intermediate container from which the equipment is filled,</p> <p>(d) pesticide-treated plants must not be stored or soaked in any douit, stream, ditch, pond or wetland, and</p> <p>(e) pesticide, including any used packaging that has been stored in contact with pesticide, must not be stored on an impermeable surface draining to a surface water drainage system.</p>
(15) Operating sheep dipping facilities or operating sheep handling facilities where –	<p>(a) a sheep must be prevented from having access to any douit, stream, ditch, pond or wetland while there is a risk of transfer of sheep dip fluid from its fleece to such places,</p> <p>(b) sheep dipping facilities must not discharge underground and must not leak or overspill,</p> <p>(c) sheep dipping facilities must not be filled with water taken from any douit, stream, ditch, pond or wetland unless –</p> <p style="padding-left: 40px;">(i) a device preventing back siphoning is fitted to the system, or</p> <p style="padding-left: 40px;">(ii) the water is first placed in an intermediate container, and</p> <p>(d) sheep dip facilities must be emptied as soon as is reasonably practicable following completion of</p>

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	dipping.
<p>(16) The burial of human remains (excluding ashes) except where carried out at a crematorium, cemetery, churchyard or parish burial ground.</p>	<p>(a) no part of the burial site may be located –</p> <ul style="list-style-type: none"> <li>(i) within 50 metres of any well, borehole or spring supplying water for human consumption,</li> <li>(ii) within 30 metres of any spring, douit, stream or other watercourse that is not used for human consumption or the production of food or drink, or</li> <li>(iii) within 10 metres of any field drain,</li> </ul> <p>(b) a grave must be dug so that –</p> <ul style="list-style-type: none"> <li>(i) there is at least 1 metre between the base of the grave and the highest level of the water table which is reasonably predictable taking into account seasonal variations in the level of precipitation and the likelihood of extreme weather events,</li> <li>(ii) there is no standing water in the grave when it is dug, and</li> <li>(iii) at least 1 metre of soil will cover the top of the coffin or body,</li> </ul> <p>(c) a grave must not be dug –</p> <ul style="list-style-type: none"> <li>(i) in unaltered or unweathered bedrock, or</li> <li>(ii) in areas susceptible to groundwater flooding,</li> </ul> <p>(d) the body must –</p> <ul style="list-style-type: none"> <li>(i) not be treated with chemicals such as embalming fluids, and</li> <li>(ii) be placed in a biodegradable coffin or shroud.</li> </ul>
<p>(17) The installation of an oil tank, for the storage of fuel oil, which –</p> <ul style="list-style-type: none"> <li>(a) is made of plastic, fibreglass, steel or stainless steel, and</li> <li>(b) has a maximum capacity</li> </ul>	<p>(a) in the case of the installation of a tank with a top outlet, the tank must be installed so that –</p> <ul style="list-style-type: none"> <li>(i) it has a secondary containment of not less than 110% of the capacity of the tank, and</li> <li>(ii) an isolation valve and anti-siphon device is fitted inside the secondary containment,</li> </ul> <p>(b) in the case of the installation of a tank with a bottom</p>

<p>of no more than 3,500 litres, including testing before first use and installation and testing before first use of any associated equipment including fill pipelines and catchpits, to serve one dwelling for a single household.</p>	<p>outlet or which is single skinned, the tank must be installed so that it is sited over a catchpit,</p> <p>(c) in the case of the installation of a tank made primarily from plastic or fibreglass, the tank must not be wholly or partly buried below the ground,</p> <p>(d) in the case of the installation of an open-bunded tank, the tank must be installed so that –</p> <ul style="list-style-type: none"> <li>(i) a vent pipe is fitted that it is directed downwards into the bund,</li> <li>(ii) any fixed draw-off line or feed line does not pass through the bund wall,</li> <li>(iii) any flexible draw-off pipe is fitted with an automatic closure device,</li> <li>(iv) a permanent outlet is fitted with an isolation valve and the outlet valve is shut when not in use, and</li> <li>(v) an automatic closing cut-off valve is fitted,</li> </ul> <p>(e) in the case of the installation of a totally enclosed bunded tank, the tank must be installed so that –</p> <ul style="list-style-type: none"> <li>(i) there is a fill point cap and an overflow cut-off,</li> <li>(ii) there is a top draw-off with an isolation valve and anti-siphon device, and</li> <li>(iii) it is vented to the outside air,</li> </ul> <p>(f) in the case of the installation of a tank over a catchpit, the tank must be installed so that it has adequate support to ensure that –</p> <ul style="list-style-type: none"> <li>(i) the loading on the base of the tank is equally distributed, and</li> <li>(ii) the supports are capable of supporting the weight of the tank at full capacity,</li> </ul> <p>(g) where a catchpit is installed with the tank, the catchpit must be installed so that –</p> <ul style="list-style-type: none"> <li>(i) it is watertight,</li> <li>(ii) the joint work between any block work and the base of the catchpit is visible above ground level,</li> </ul>
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	<ul style="list-style-type: none"><li>(iii) any block work is rendered inside and out,</li><li>(iv) there is no damp course,</li><li>(v) in the case of a fibreglass catchpit, it is sited on –<ul style="list-style-type: none"><li>(A) a concrete pad which is at least 100mm thick, or</li><li>(B) paving slabs which are at least 40mm thick, and</li></ul></li><li>(vi) in the case of an installation of a catchpit below a single skinned oil tank, it has a capacity of 110% of the capacity of the oil tank,</li><li>(h) oil feed lines running from the oil tank to a boiler must be installed in such a way as to prevent water pollution,</li><li>(i) where remote offset fill pipelines are installed with the tank, the remote off set fill pipelines must be –<ul style="list-style-type: none"><li>(i) fitted with an isolating valve, a non-return valve at the fill point and a screw-on cap,</li><li>(ii) before first use, pressure-tested to 1 Bar and left to stand for 15 minutes,</li><li>(iii) in the case of remote offset fill pipelines installed above ground –<ul style="list-style-type: none"><li>(A) made of a material that is considered safe for use delivery of fuel oils having regard to industry good practice from time to time, and</li><li>(B) resistant to corrosion.</li></ul></li></ul></li></ul>
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PART II  
INTERPRETATION

1. In this Schedule, unless the context requires otherwise –

**"abstraction"** means the doing of anything whereby any water is

removed or diverted by mechanical means, pipe or any engineering structure or works from any part of Guernsey's water resources, whether temporarily or permanently, including anything by which the water is so removed or diverted for the purposes of being transferred to another part of Guernsey's water resources, and includes –

- (a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted, and
- (b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work,

**"channel"** means the course of a douit, stream or ditch,

**"channel width"** means the straight line distance that is between opposite bank tops of a douit, stream or ditch and which spans the bed of a douit, stream or ditch, including any exposed bars or vegetated islands,

**"crop"** includes any plant grown for a commercial purpose,

**"cultivation"** includes the preparation of any land prior to planting and the harvesting of any crop,

**"cut-off valve"** means a valve used for shutting off the flow of oil from a tank,

**"ditch"** means an open channel which collects and conveys drainage water from surface or subsurface drainage to other surface water,

**"draw-off pipe"** means a pipe used to withdraw oil from a tank,

**"farm yard manure"** means a mixture of bedding material and animal excreta in solid form arising from the housing of livestock (except such arising from the keeping of birds for the production of food),

**"fertiliser"** means any substance containing nutrients, excluding forestry brash, which is used on land to enhance plant growth,

**"field drain"** includes a buried pipe or a dry ditch which drains a field,

**"forest"** means land of an area of more than 0.5 hectares –

- (a) with a tree canopy of more than 20 per cent,
- (b) which is planted with trees which collectively have the capacity to provide a tree canopy cover of more than 20 per cent, or
- (c) which meets all the following criteria –
  - (i) it was used in the last five years as land described in item (a),
  - (ii) it is to remain fallow of trees for a maximum of four consecutive years, and
  - (iii) when replanted with trees, it will be replanted as land described in item (b),

**"forestry operations"** means operations carried out on land with a tree canopy cover of more than 10 per cent over an area of land of more than 0.5 hectares,

**"fuel oil"** includes liquefied petroleum gas and kerosene,

**"livestock"** means –

- (a) cattle, sheep, pigs, equines, goats, llamas or alpacas, or poultry, and
- (b) any animal kept for the production of food, wool, skin or fur or for use in the farming of land,

**"moling"** means a cultivation method where an implement is used to open a conduit within the soil along which water may flow,

**"oil"** means any kind of liquid oil including fuel oil, waste oil, biofuel mixtures, vegetable oil, plant oil, lubricant oil and hydraulic oil,

**"pesticide"** means any pesticide or other substance declared to be a poisonous substance under regulation 2 of the Control of Poisonous Substances (Guernsey) Regulations, 2014,

**"pesticide application equipment"** means pesticide sprayers and other devices used to apply pesticide,

**"poultry"** means birds of the following species –

- (a) domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons, and
- (b) quails, pheasants and partridges,

**"revetment"** means the modification of the bank of a douit, stream or ditch that increases the resistance of the bank to lateral erosion,

**"rip-rap"** means irregular shaped stones placed along the bank of a douit, stream or ditch for the purposes of increasing the resistance of the bank to erosion,

**"secondary containment"** means a drip tray, an area surrounded by a bund or catchpit or any other system for preventing fuel oil, which has escaped from an oil storage tank, from escaping further from the place where it is stored,

**"surface water drainage system"** means a system that is used to collect and drain water run off from premises and transport it to, and discharge it into, Guernsey's water resources, and may include, any surface water sewers and associated inlets, outlets, guillies, manholes, oil interceptors, silt traps, and attenuation, settlement and treatment facilities,

**"toe of a bank"** means the point where the slope of a bank of a douit, stream or ditch meets the bed of that douit, stream or ditch,

**"vent pipe"** means a pipe open to the atmosphere which exposes the tank to atmospheric pressure,

**"water for human consumption"** means water that may be ingested by humans, used in the preparation of food or drink, or used in the cleaning of

materials involved in the storage or consumption of food or drink,

**"waterlogged"** means soil which is at water retaining capacity, except in a forest where it means water which is visible on the soil surface,

**"water run-off"** means any water from rainfall or any meltwater from ice or snow flowing over or horizontally through the surface of the ground and any matter picked up by that water as it does so,

**"well"** includes a permeable underground collection tank, and

**"wetland"** means an area of ground the ecological, chemical and hydrological characteristics of which are attributable to frequent inundation or saturation by water and which is directly dependent, with regard to its water needs, on a body of groundwater or a body of surface water.

SCHEDULE 3

Section 7

AMENDMENT OF THE ENFORCEMENT AND APPEALS ORDINANCE

1. After section 8 (compliance notices in relation to provisions of the Air Pollution Ordinance) insert –

**"Content of anti-pollution notice.**

8A. A compliance notice which is an anti-pollution notice issued under section 44 of the Law must –

(a) state that the Director considers that the person on whom the notice is served is causing or permitting –

(i) the occurrence of water pollution, or

(ii) a risk of water pollution to arise,

in contravention of section 5(2) of the Water Pollution Ordinance,

(b) specify the –

(i) acts or omissions or proposed acts or omissions, or

(ii) use or proposed use of any thing,

by reason of which the Director considers that the person on whom the notice is served is causing or permitting the occurrence of water

pollution or the risk of water pollution to arise,

- (c) specify any steps that must be taken to eliminate or reduce the occurrence of water pollution or eliminate or remove the risk of water pollution arising,
- (d) identify by name or description the person required to take the steps specified under paragraph (c),
- (e) specify the period within which the steps specified under paragraph (c) must be taken, and
- (f) specify that a person who causes or permits the occurrence of water pollution or a risk of water pollution to arise in contravention of section 5(2) of the Water Pollution Ordinance, is guilty of an offence under section 65(1) of the Law.

**Compliance notice in relation to provisions of the Water Pollution Ordinance.**

- 8B.** (1) If the Director is of the opinion that –
- (a) a person is contravening or is likely to contravene any prohibition, restriction, requirement or condition imposed on that person under the Water Pollution Ordinance, other than one in relation to which a compliance notice may be served under section 7, or

- (b) a person is contravening or is likely to contravene any term, condition or proviso of any exemption or disapplication (however worded) from any prohibition, restriction or requirement under the Water Pollution Ordinance,

the Director may serve a compliance notice on that person.

- (2) A compliance notice issued under subsection (1) must –
  - (a) state that the Director is of the opinion that a contravention of –
    - (i) any prohibition, restriction, requirement or condition referred to in subsection (1)(a), or
    - (ii) any term, condition or proviso of any exemption or disapplication referred to in subsection (1)(b),as the case may be, is taking place or is likely to take place,
  - (b) specify the matters –
    - (i) constituting the contravention, or

- (ii) making it likely that a contravention will take place,
  - (c) specify the steps that must be taken –
    - (i) to remedy the contravention, or
    - (ii) to remedy the matters making it likely that the contravention will arise,
  - (d) identify by name or description the person required to take the steps specified under paragraph (c), and
  - (e) specify the period within which the steps specified under paragraph (c) must be taken."
2. For the heading to section 9 substitute –

**"General requirements for compliance notices."**

3. In section 9 –
- (a) omit "issued under section 7 or 8",
  - (b) in paragraph (a) for "this Ordinance" substitute "the Law or this Ordinance",
  - (c) in paragraph (b), after the first reference to "the Law" insert "or of that section as applied by section 44 of the Law", and

- (d) in paragraph (b)(i) after "the Law" insert "or under that section as applied by section 44 of the Law".

4. After Part II insert –

"PART IIA

POWERS TO TAKE ACTION IN RELATION TO WATER POLLUTION

**Powers of Director to take action in relation to water pollution.**

**9A.** (1) This section applies where it appears to the Director that –

- (a) water pollution has occurred or is occurring, or
- (b) a risk of water pollution has arisen.

(2) In a case where it appears to the Director that water pollution has occurred or is occurring, the Director is entitled to enter land and take such action as appears necessary for any of the following purposes –

- (a) removing or disposing of a pollutant,
- (b) remedying or mitigating any water pollution caused by the introduction of a pollutant into the water, or
- (c) restoring (so far as is reasonably practicable to do so), the water, including any flora and fauna dependent on the aquatic environment of the

water, to its state immediately before the pollutant became introduced into the water.

(3) In a case where it appears to the Director that a risk of water pollution has arisen, the Director is entitled to enter land and take such action as appears necessary for the purpose of preventing water pollution from occurring.

(4) The powers conferred by this section are only exercisable in a case where –

(a) the Director certifies that it is necessary to carry out the works or other actions without delay, or

(b) it appears to the Director, after reasonable enquiry, that no person can be found on whom–

(i) an anti-pollution notice under section 44 of the Law, or

(ii) a compliance notice under section 7 or 8B,

may be served in relation to the water pollution, or risk of water pollution, in question.

(5) The expenses reasonably incurred by the States as a consequence of any action taken by the Director under this section are recoverable as a civil debt due to the States from any person who caused or permitted the occurrence of water pollution, or the risk of water pollution, in question.

(6) In this section, "**pollutant**" means a pollutant falling within section 2(3) or section 40(1)(c) of the Law."

5. In section 21 (interpretation) –

(a) in the definition of "**prescribed operation**" omit "and" and after "Air Pollution Ordinance" insert "and section 1 of the Water Pollution Ordinance",

(b) after the definition of "**specified**" insert –

""**steps**" includes, for the avoidance of doubt, requirements to discontinue or refrain from an action or activity," and

(c) after the definition of "**vice-President**" omit "and" and after the definition of "**water**" insert –

""**water pollution**": see section 10(1) of the Water Pollution Ordinance , and

""**the Water Pollution Ordinance**" means the Environmental Pollution (Water Pollution) Ordinance, 2022.".

SCHEDULE 4

Section 8

OTHER CONSEQUENTIAL AMENDMENTS

**Amendment of the 2010 Ordinance.**

1. After section 1(2) (waste disposal etc. to be prescribed operations) of the 2010 Ordinance insert –

" (3) This section is also to be construed in accordance with section 2(2) of the Environmental Pollution (Air Pollution) Ordinance, 2019 and section 1(5) of the Environmental Pollution (Water Pollution) Ordinance, 2022."

**Amendment of the Air Pollution Ordinance.**

2. After section 2(2) (operations in schedule 2 to be prescribed operations) of the Air Pollution Ordinance, insert –

" (2A) This section is also to be construed in accordance with section 1(4) and (5) of the Environmental Pollution (Water Pollution) Ordinance, 2022."

**Amendment of the Environmental Pollution (Public Register) Regulations, 2010.**

3. (1) The Environmental Pollution (Public Register) Regulations, 2010<sup>n</sup> are amended as follows.

(2) In regulation 1 (particulars to be kept on the register) –

(a) in subparagraph (g)(i), after "issued under" insert "section 44 of the Law or",

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<sup>n</sup> G.S.I. No. 52 of 2010; this enactment has been amended.

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- (b) in subparagraph (g)(ii), after "the Law" insert "or under that section as applied by section 44 of the Law",
- (c) at the end of subparagraph (h) omit "and" and after that subparagraph insert –

"(ha) in relation to enforcement, inspection and monitoring activities concerning water pollution, brief particulars of any water pollution enforcement activities carried out by the Director; and such particulars shall –

- (i) include the number of occasions in each calendar year in which such activities have been carried out on a particular premises, and
- (ii) be added to the register as soon as reasonably practicable after the end of the calendar year in question, and".

- (3) In regulation 3 (interpretation) –

- (a) for the definition of "compliance notice" substitute –

" **"compliance notice"**: see sections 44 and 62(1) of the Law and sections 7 to 8B of the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019,"

- (b) in the definition of "**a prescribed operation**", for all the words from "and" to the end substitute ", section 2

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of the Environmental Pollution (Air Pollution) Ordinance, 2019 and section 1 of the Environmental Pollution (Water Pollution) Ordinance, 2022," and

(c) after the definition of "waste" insert –

" **"water pollution enforcement activities"** means any action taken by the Director –

- (a) under section 45 of the Law,
- (b) pursuant to a warrant issued by the Bailiff under section 45B of the Law, or
- (c) under section 9A of the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019,".

TRANSITIONAL PROVISIONS

**Transitional provision in relation to operations prescribed under section 1.**

1. (1) Subject to subparagraph (2), where an operation prescribed under section 1 is being carried on immediately before the commencement of section 1 of this Ordinance, such operation shall, on or after the commencement of section 1 of this Ordinance, be deemed to be one in respect of which a licence has been issued under Part III of the Law to the person carrying on the operation provided that an application for a licence to carry on such operation is made to the Director –

- (a) in accordance with section 4 and 5 of the 2010 Ordinance as applied by section 2 of this Ordinance, and
- (b) within two months starting from the date of the commencement of section 1 of this Ordinance.

(2) The person carrying on the operation in question shall be treated as a licensee for the operation in question under subparagraph (1) until –

- (a) the application to carry on the prescribed operation in question is granted by the Director (whether or not subject to conditions), or
- (b) if such an application is refused –
  - (i) the expiry of the period for appealing against the refusal under section 25(5) of the Law, or

- (ii) where an appeal is duly instituted against the refusal, the date the appeal is finally determined or withdrawn; and an appeal is finally determined when the appeal and any further appeal is finally determined.

**Permits issued under the States Water Supply (Prevention of Pollution) Ordinance, 1966.**

2. For the avoidance of doubt, any permit granted under section 2 of the States Water Supply (Prevention of Pollution) Ordinance, 1966, shall lapse on 28<sup>th</sup> May, 2023, when the repeal of that 1966 Ordinance is commenced under section 16(2).

SCHEDULE 6

Section 13

REPEALS

**Repeal of the Prevention of Pollution (Guernsey) Law, 1989 and subordinate legislation made under it.**

1. The Prevention of Pollution (Guernsey) Law, 1989<sup>o</sup>, the States Water Supply (Prevention of Pollution) Ordinance, 1966, the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1977 and the Animal Carcasses (Control of Burial) Ordinance, 1998<sup>p</sup> are repealed.

**Repeal of 1932 Ordinance.**

2. The Ordonnance relative au dépôt de décombres de carrière, d'immondices et d'autres débris sur les Côtes de cette Île, 1932<sup>q</sup> is repealed.

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<sup>o</sup> Ordres en Conseil Vol. XXXI, p. 500; this enactment has been amended.

<sup>p</sup> Recueil d'Ordonnances Tome XXVIII, p. 153; this enactment has been amended.

<sup>q</sup> Recueil d'Ordonnances Tome VI, p. 128.