

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The States Water Supply (Prevention of Pollution)

Ordinance, 1966 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XIV, p. 311; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1973 (Recueil d'Ordonnances Tome XIX, p. 145); the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1977 (Recueil d'Ordonnances Tome XXI, p. 6); 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). This Ordinance has been repealed by the Environmental Pollution (Water Pollution) Ordinance, 2022 (No. ** of 2022).

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ARRANGEMENT OF SECTIONS

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(Made on 27th July, 1966.)

The States Water Supply (Prevention of Pollution) Ordinance, 1966

THE STATES, in pursuance of their Resolution of the twenty-fifth day of May, nineteen hundred and sixty-six, and in exercise of the powers conferred upon them by section two and section nine of the States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965^a, and of all other powers thereunto them enabling, hereby order: –

Interpretation.

1. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Board" means the States [States' Trading Supervisory Board],

"building" has the meaning assigned to it by subsection (3) of section one of the Building (Guernsey) Law, 1956^b,

[**"the controlled area"** means the area of the Island within the continuous green line marked on a map which for the purpose of identification was signed by the Bailiff on the twenty-third day of February, nineteen hundred and seventy-seven, and lodged at the Greffe,]

"domestic building" has the meaning assigned to it by paragraph (1)

^a Ordre en Conseil, No. XI of 1965.

^b Ordres en Conseil, Vol. XVII, p. 56.

of Regulation 1 of the Building Regulations, 1957^c,

"farm building" means a building intended for use in connection with the keeping of any cattle, horses, goats, swine or poultry and includes a building intended for use for the purposes of a boarding establishment for dogs or cats or for the purposes of a zoological establishment,

"the Law" means the States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965,

"the Law of 1927" means the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île" registered on the seventh day of May, nineteen hundred and twenty-seven^d,

"oil" means oil of any description and includes spirit produced from oil of any description,

"public sewer" means a sewer the ownership of which is vested in the States by virtue of the Sewerage (Guernsey) Law, 1948^e,

"trade effluent" includes any liquid (either with or without particles of matter in suspension therein) which is or may be discharged in or from premises used for carrying on any trade or business, other than surface water and domestic sewage.

(2) Except where the context otherwise requires, any reference in this Ordinance to any enactment or regulations shall be construed as including a

^c S.I. No. 24, 1957.

^d Ordres en Conseil, Vol. VIII, p. 112.

^e Ordres en Conseil, Vol. XIII, p. 339.

reference to that enactment or those regulations, as the case may be, as amended, extended, repealed, replaced or revoked by or under any other enactment or by any regulations.

NOTES

In section 1,

the words in square brackets in the definition of the expression "the Board" in subsection (1) 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, 2016,¹

the definition of the expression "the controlled area" in subsection (1) was substituted by the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1977, section 1, with effect from 23rd February, 1977.²

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.³

The Building (Guernsey) Law, 1956 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 1, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.

The Building Regulations, 1957 have since been revoked by the Building Regulations, 1992, regulation 20, with effect from 21st December, 1992, subject to the transitional provisions in regulation 21 of the 1992 Regulations. The Building Regulations, 1992 have since been revoked by the Building Regulations, 2012, regulation 31(1), with effect from 1st July, 2012, subject to the transitional provisions and savings in regulation 32 of the 2012 Regulations.

The States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965 has since been repealed by the Prevention of Pollution (Guernsey) Law, 1989, section 17(1), with effect from 1st August, 1991. The Prevention of Pollution (Guernsey) Law, 1989 has since been repealed by the Environmental Pollution (Water Pollution) Ordinance, 2022, section 13, Schedule 6,

paragraph 1, with effect from 28th November, 2022.

The Sewerage (Guernsey) Law, 1948 has since been repealed by the Sewerage (Guernsey) Law, 1974, section 30, with effect from 1st January, 1975, subject to the Proviso to section 30 of the 1974 Law.

Restriction on erection of buildings, etc., within the controlled area.

2. (1) Subject to the provisions of this section, no person shall –
- (a) erect or re-erect any building or construct any works within the controlled area,
 - (b) instal permanently within the controlled area any oil fired boiler, any internal combustion engine or any tank, pipes or other apparatus intended to be used in connection with the storage or supply of oil or heating by oil,
 - (c) use any premises within the controlled area for carrying on any trade or business in any case where trade effluent may be discharged on or from those premises in the course of the carrying on of that trade or business,

except under and in accordance with a permit granted by the Board under section four of this Ordinance.

(2) The provisions of subsection (1) of this section shall not apply in relation to –

- (a) any work, whether commenced before or after the commencement of this Ordinance, in respect of which

notice was given to the Board in compliance with the provisions of section (5) of Article 5 of the Law of 1927 and which had been approved by the Board before the commencement of this Ordinance,

- (b) any work commenced before the commencement of this Ordinance and in respect of which notice was not required to be given under the said section (5),
- (c) the use of any part of any premises for carrying on any trade or business if such part of such premises was being used for carrying on that trade or business immediately before the commencement of this Ordinance.

(3) For the purposes of this section, any premises intended to be used, whether for profit or not, for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises intended to be used for carrying on a trade or business.

(4) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

NOTE

In section 2, the words and figure in square brackets in subsection (4) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Application for permit.

3. An application for a permit under the next succeeding section shall be

made to the Board in writing and the applicant shall furnish to the Board such particulars and plans as the Board may require.

Grant of permit and conditions which may be attached thereto.

4. (1) Where an application is made to the Board for a permit under this section and the provisions of the last preceding section have been complied with, the Board shall grant the permit and may attach thereto such conditions as the Board may consider necessary so as to ensure –

- (a) in the case where the permit is to erect any domestic building –
 - (i) that the building shall be so sited as not to render liable to pollution by reason of the use and occupation of the building any water under the control of the Board,
 - (ii) that all drains, other than drains for rain water, shall be connected to a public sewer or to a cesspool of a type approved by the Board, or shall discharge in such other manner as the Board thinks fit,
 - (iii) that all rain water which may fall on to the building and which may be allowed to flow or percolate into any water which is under the control of the Board shall not be polluted,
- (b) in the case where the permit is to erect any farm building or to construct a yard for use by animals (including a poultry run) –

- (i) that the building or yard shall be so sited as not to render liable to pollution by reason of the use of the building or yard any water under the control of the Board,
 - (ii) that any floor of the building or any surface of the yard, as the case may be, which may be liable to be fouled by any animals or which may require to be disinfected shall be so constructed as to be impervious to liquid,
 - (iii) that all drains, other than drains for rain water, shall be connected to a watertight pit or other receptacle of a type approved by the Board, or shall discharge in such other manner as the Board thinks fit,
 - (iv) that all rain water which may fall on to any covered part of the building or yard and which may be allowed to flow or percolate into any water which is under the control of the Board shall not be polluted,
- (c) in the case where the permit is to instal permanently in any premises any oil fired boiler, internal combustion engine or any tank, pipes or other apparatus intended to be used in connection with the storage or supply of oil or heating by oil –
- (i) that, as respects such tank, a receptacle of a type

approved by the Board shall be so placed that any leakage of oil from the tank, any overflow of oil from the tank and any oil spilled in the course of filling or emptying the tank, shall discharge directly into such receptacle,

- (ii) that such boiler, engine, tank, pipes or other apparatus shall be of such size, nature, materials, strength, workmanship or otherwise as the Board may consider necessary to comply with the appropriate British Standard or British Standard Code of Practice,
 - (iii) that adequate provision shall be made for any leakage of oil from such boiler, engine, pipes or other apparatus to discharge directly into a receptacle of sufficient capacity and suitable material,
 - (iv) that no such pipe shall be laid under ground unless it is protected by an exterior oil tight tube or sleeve so that any leakage of oil from the pipe shall discharge directly from such tube or sleeve into an oil tight sump,
- (d) in the case where the permit is to use any premises for carrying on any trade or business, that any trade effluent shall be discharged by such means as to prevent the pollution of any water under the control of the Board and to prevent any rain water which may fall on to or about those premises and which may be

allowed to flow or percolate into any water which is under the control of the Board from being polluted,

- (e) in any other case, that any water under the control of the Board is not rendered liable to pollution.

(2) A person to whom a permit has been granted under this section shall comply with every condition attached to the permit.

(3) A person who contravenes the provisions of the last preceding subsection shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

(4) The reference in sub-paragraph (ii) of paragraph (c) of subsection (1) of this section to the appropriate British Standard or British Standard Code of Practice shall be construed as a reference to such Standard or Code, including any amendments thereof, current for the time being.

NOTE

In section 4, the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Oil fired boilers, etc., brought on to premises within the controlled area for temporary use.

5. (1) The occupier of any premises within the controlled area shall not cause or permit –

- (a) any oil fired boiler, any internal combustion engine or any tank, pipes or other apparatus intended to be used temporarily on those premises in connection with the

storage or supply of oil or heating by oil,

- (b) any tank or other container used for the storage of any poisonous, noxious, or polluting liquid intended to be used as a pesticide, insecticide, fungicide, sterilant or other purpose,

to be kept on those premises unless receptacles of sufficient capacity and suitable material are so placed that any leakage of oil or of such liquid, as the case may be, shall discharge directly into such receptacles.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

NOTE

In section 5, the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Entry and inspection of premises, etc.

6. (1) Any person duly authorised in writing by the Board may, on producing, if so required, some duly authenticated document showing his authority, enter any premises –

- (a) for the purpose of making such inspections, examinations and inquiries as may be necessary to ascertain –
 - (i) whether anything on or in connection with those premises is polluting or is likely to pollute any

water under the control of the Board,

- (ii) whether any requirement made on the owner or occupier of those premises under subsection (1) of section three of the Law or any order served on such owner or occupier under subsection (1) of section four of the Law has been complied with,
 - (iii) whether there is, or has been, on or in connection with those premises any contravention of the provisions of this Ordinance,
- (b) for the purpose of executing any work authorised by the Law to be executed by the Board or for the purpose of taking any steps authorised by the Law to be taken at the instance of [the President] of the Board.

(2) A person authorised as aforesaid entering any premises by virtue of this section may take with him such other persons and such materials as may be necessary for the purpose of exercising any of his powers under this section.

(3) The occupier of any premises, his agents and servants, shall furnish the means required by a person authorised as aforesaid as may be necessary for the purpose of exercising any of his powers under this section in relation to those premises.

(4) A person who fails to comply with any requirement imposed under the last preceding subsection by any person authorised as aforesaid shall be liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

NOTES

In section 6,

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;⁴

the words and figure in square brackets in subsection (4) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Citation.

7. This Ordinance may be cited as the States Water Supply (Prevention of Pollution) Ordinance, 1966.

NOTE

The Ordinance was made and came into operation on 27th July, 1966.

¹ 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.

² This definition was previously substituted by the States Water Supply (Prevention of Pollution) (Amendment) Ordinance, 1973, section 1, with effect from 12th December, 1973.

³ The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were 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.

⁴ 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.

REPEALED