

PROJET DE LOI

ENTITLED

Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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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Ordres en Conseil Vol. VIII, p. 112; as amended by the States Water Supply Law, 1938 (Ordres en Conseil Vol. XI, p. 236); the States Water Supply (Temporary Provisions) Law, 1938 (Ordres en Conseil Vol. XI, p. 275); the Mental Treatment Law (Guernsey) 1939 (Ordres en Conseil Vol. XI, p. 405); the States Water Supply Law, 1946 (Ordres en Conseil Vol. XII, p. 242); "The States Water Supply Law, 1951" (Ordres en Conseil Vol. XV, p. 30); "The States Water Supply Law, 1952" (Ordres en Conseil Vol. XV, p. 272); the States Water Supply (Amendment) (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 523); the States Water Supply (Amendment) (Guernsey) Law, 1962 (Ordres en Conseil Vol. XIX, p. 46); the States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965 (Ordres en Conseil Vol. XX, p. 74); the States Water Supply (Amendment) (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 546); the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the States Water Supply (Amendment) (Guernsey) Law, 1973 (Ordres en Conseil Vol. XXIV, p. 3); the States Water Supply (Amendment) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 536); the States Water Supply (Amendment) (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 118); the States Water Supply (Amendment) (No. 2) (Guernsey) Law, 1987 (Ordres en Conseil Vol. XXX, p. 219); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Water Supply (Amendment) (Guernsey) Law, 1991 (No. VII of 1991, Ordres en Conseil Vol. XXXIII, p. 133); the States Water Supply (Amendment) (Guernsey) Law, 1997 (No. XVII of 1997, Ordres en Conseil Vol. XXXVII, p. 255); 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). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172); the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

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Préambule.

ATTENDU QU'EN vertu de la délibération des États de cette Île en date du 20 février 1920, les dits États furent d'avis d'acquérir et ont depuis cette date acquis la propriété et l'entreprise de la Société dite "The Guernsey Water Company Limited" dans le but de continuer la fourniture d'eau aux habitants de cette Île à la place de la dite Société.

ATTENDU QUE par la délibération des États en date du 3 novembre 1920, les États ont nommé un Conseil et ont accordé au dit Conseil des pouvoirs administratifs pour le contrôle et l'administration de la dite fourniture d'eau.

ATTENDU QU'IL est expédient de faire des règlements pour déterminer les devoirs et obligations des États et des personnes auxquelles l'eau est fournie, les articles suivants rédigés en Anglais auront force de loi en cette Île.

Water supply by the [States' Trading Supervisory Board]. Analyses.

1. The [States' Trading Supervisory Board] acting for the States of Guernsey (hereinafter called "**the Board**") shall supply for domestic or other purposes spring water, water from streams or other sources. The water, when supplied for domestic uses, shall be pure and wholesome.

Analyses of the water shall be made by [a qualified Bacteriologist] at the expense of the Board at least once a month, and analyses may also be made by the

Medical Officer of Health at his discretion.

NOTES

In Article 1,

the words "States' Trading Supervisory Board" in square brackets, wherever occurring, 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 words in the third pair of square brackets were substituted by the States Water Supply (Temporary Provisions) Law, 1938, Article 1, with effect from 26th November, 1938.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law 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.²

The following case has referred to this Law:

States of Guernsey Water Board v. King's Mills Hotel Limited and Boyer (1987-88) 6.GLJ.165 (see also Court of Appeal Judgments, 1964-89, p. 383).

In accordance with the provisions of the States Water Supply (Amendment) (Guernsey) Law, 1997, section 2(2), with effect from 19th August, 1997, this Law, when cited together with the amending Laws, may be cited as the States Water Supply Laws, 1927 to 1997.³

Power given to officials to enter upon lands and premises considered suitable by the Board.

2. The Officials and employees of the Board shall have power (provided they give reasonable notice of their intention so to do, to the proprietors and occupiers of land and other premises and do no damage thereto) to enter upon such lands and premises as are considered by the Board suitable for the purposes of the Board, in order to take levels, gauge the quantity of water flowing in a stream bed, and take

observations for the obtaining of accurate data, with the object of ascertaining whether it is in the interest of the Board to acquire such lands and premises, and any person who shall wilfully obstruct the officials and employees of the Board acting under its authority in doing any of the above acts shall be [guilty of an offence and] liable to a fine not exceeding [level 3 on the uniform scale].

NOTES

In Article 2,

the words in the penultimate pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(i), with effect from 30th June, 1987;

the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.⁴

Well drying in consequence of the workings of the Board.

3. In the event of a well being dried in consequence of the workings of the Board, the Board shall furnish to the person prejudiced by the drying of such well, water by measure or otherwise, and upon the following terms –

Such person shall pay half the rates current for the time being to cover the cost of pumping and supplying under pressure; such person shall also pay rent to the Board for the meter.

The Board shall supply, fix, and keep in repair the meter at their own cost.

Provided always, that if the water shall return to the well so dried, the Board shall be entitled to discontinue the supply, or to charge the ordinary rate therefor. the Board shall have the right to visit any such well between the hours of nine in the morning and five in the afternoon for the purpose of

testing the quantity of water in it.

Any stream may be taken over and controlled by the Board. Person diverting, damming or taking water from a controlled stream. Proviso regarding rights of proprietors of properties crossed by controlled streams.

4. Any stream which is needed by the Board for the supply of water to the inhabitants of the Island may be taken over for control by the Board. A stream so controlled is hereinafter referred to as a controlled stream. the Board shall give due notice in the public Press of the island of every stream or part of stream so taken over, and where such stream or part of stream is accessible from any public way a board containing the said notice shall be affixed and maintained.

Any person who shall, after a stream has been so taken over by the Board, divert, dam or take otherwise than by dipping or for the supply of livestock, the water of such controlled stream or the water supplying or flowing into the same or shall do any act whereby such stream or supplies of water shall be drawn off or diminished in quantity, and who, on being required so to do by the Board, shall not immediately repair the injury done so as to restore the waters and premises to the state in which they were before such act, shall be [guilty of an offence and] liable to a fine not exceeding [£50] for every day during which the said supply of water shall be diverted or diminished by reason of any such act done by or by the authority of such person, and any fine so inflicted shall be in addition to the sum which he may be adjudged liable under civil proceedings to pay to the Board for any damage which they may sustain by reason of their supply of water being diminished; and the payment of the fine shall not bar or affect the right of the Board to take such legal proceedings in damages against such person for the injury so committed.

Provided always that nothing in this law shall prevent the proprietors of properties across which such streams flow and other persons having rights thereto from exercising their rights to use of water therefrom.

NOTE

In Article 4, the words, figures and symbol in the third and fourth pairs of square brackets in the second paragraph were, respectively, inserted and substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(b)(i) and section 1(b)(ii), with effect from 30th June, 1987.

Contamination of controlled streams—power of Constables and M.O.H. Prevention of Contamination—Expenses. Notification to the Board of proposed erection of dwelling-house or other structure within 100 feet of a controlled stream. Penalty for contamination of controlled streams.

5. ...

NOTE

Article 5 was repealed by the States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965, section 13, with effect from 27th July, 1966.

Powers of the Board regarding laying, repairing, altering or removing pipes, &c., under the streets, roads or lanes.

6. The Board under such superintendence and under such conditions as may be imposed by the [States' Trading Supervisory Board], may open and break up the soil and pavement of the various streets, roads, or lanes within the Island, and may open and break up any sewers, drains, or tunnels within or under such streets, roads, or lanes and lay down and place within the same limits, pipes, conduits, service pipes and other works and engines, and from time to time repair, alter or remove the same, and for the purpose aforesaid remove and use all earth and materials in and under such streets, roads, or lanes and may do all other acts [which are incidental to the exercise of those powers and] which the Board shall from time to time deem necessary for supplying water to the inhabitants of the Island, doing as little damage as can be in the execution of the powers herein granted, and making compensation for any [physical damage done at the time of and in the course of the execution of those

powers (other than damage done by escaping water)].

NOTES

In Article 6,

the words in the first pair of 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;⁵

the words in the second and third pairs of square brackets were, respectively, inserted and substituted by the States Water Supply (Amendment) (Guernsey) Law, 1991, section 3(a)(i) and section 3(a)(ii), with effect from 1st July, 2004.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law 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.⁶

The following case has referred to Article 6:

States of Guernsey Water Board v. King's Mills Hotel Limited and Boyer (1987-88) 6.GLJ.165 (see also *Court of Appeal Judgments, 1964-89*, p. 383).

7. Nothing herein contained shall authorise or empower the Board to lay down or place any pipe, conduit, service pipe, or other work in any land not appropriated to public use, without the consent of the owners and occupiers thereof, except that the Board may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed and may repair or alter any pipes so laid down.

Notice to be given by the Board to [President] of [States' Trading Supervisory Board] of their intention of opening up any public way, &c.

8. Before the Board open or break up any public way, sewer, drain, or tunnel, they shall give at least seven days' previous notice in writing to the [President] of the States [States' Trading Supervisory Board] of their intention of so doing. Provided always that in case of urgency the work may be commenced on giving a shorter notice or without giving any notice. In such latter case, however, notice shall be given as soon as possible after the commencement of the work.

NOTE

In Article 8, the words "President" and "States' Trading Supervisory Board" in square brackets, wherever occurring, 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, 2016.⁷

[Extension of pipes for affording domestic supplies.]

9. (1) The Board shall extend or lay and fix pipes and apparatus for affording a supply of water for domestic purposes to any area if so required –

- (a) by such number of owners or occupiers in that area of properties the rateable values of which according to the General Cadastre of the Island are such that the amount of water rates payable annually in respect of such properties will, in the opinion of the Board, be, in the aggregate, not less than one-eighth of the expense of extending, laying and fixing the necessary pipes and apparatus and such owners or occupiers agree severally with the Board to take a supply of water for three years at least,
- (b) by the owners or occupiers of other properties, or by the owners of land upon which it is proposed to erect

buildings for which such a supply of water will be required, and such owners or occupiers of premises or owners of land undertake to pay in respect of each year a sum amounting to one-eighth of the expense of laying and fixing the necessary pipes and apparatus (less any amount received by the Board in respect of water supplied in that year, whether for domestic or non-domestic purposes, from such pipes) until the aggregate amount of water rates payable annually in respect of the properties and in respect of any other properties connected to such pipes, at the rates for the time being charged by the Board, equals or exceeds such annual sum or until the expiration of a period of twelve years, whichever first occurs:

PROVIDED ALWAYS that in the opinion of the Board –

- (i) such extending, laying and fixing of pipes and apparatus is practicable and can be effected at a reasonable cost, and
- (ii) the supply of water to such properties will not, having regard to existing obligations of the Board, adversely affect the supply of water, whether for domestic or non-domestic purposes, to existing consumers.

(2) In any case to which the provisions of paragraph (b) of subsection (1) of this Article relate the Board may in its discretion require as a condition of the extending, laying and fixing of the necessary pipes and apparatus the giving, in such manner as the Board shall think fit, of security (not exceeding in

amount the total estimated cost of the work) for payment of monies liable to be paid by an owner or occupier and if such security is given by deposit of a sum of money shall pay interest thereon at such rate *per annum* as the States [Policy & Resources Committee] may annually, in respect of each year, determine, and on request appropriate annually out of that sum any amount due under the undertaking given by the owner or occupier, as the case may be and when such undertaking is finally discharged repay, with any interest then due thereon, any balance remaining in the hands of the Board.

(3) Any person aggrieved by a decision of the Board made under the provisions of this Article may appeal therefrom to the Royal Court, sitting as an Ordinary Court, on the grounds that the decision of the Board was *ultra vires* or was an unreasonable exercise of its powers.

(4) Any appeal shall be instituted by way of summons served on [the President] of the Board.]

NOTES

Article 9 was substituted by the States Water Supply (Amendment) (Guernsey) Law, 1962, section 1, with effect from 3rd July, 1962.

In Article 9,

the words in square brackets in subsection (2) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016²⁰⁰⁴.⁸

the words in square brackets in subsection (3) 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, 2016.⁹

The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of section 5 of this Law were transferred to and vested in, respectively, the Policy & Resources Committee

and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹⁰

Fire hydrants.

10. The Board, at the request of the Parochial Authorities, or of the States shall fix proper fire-hydrants in the mains and other pipes belonging to them at such places as may be most proper and convenient for the supply of water for extinguishing any fire. the Board shall keep in effective order such fire-hydrants. The cost of such fire-hydrants and the expense of fixing, placing, maintaining in repair and keeping the same accessible, shall be defrayed by the Parochial Authorities, or the States as the case may be.

Fire hydrants for manufactories or any works.

11. The Board shall, at the request and expense of the owner or occupier of any works or manufactory situated on any public way in which there shall be a water pipe, place and maintain in effective order a fire-hydrant (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory. the Board shall provide and keep constantly laid on, unless prevented by frost, or during necessary repairs, or from any other unavoidable cause or inevitable accident, a sufficient supply of water.

Water for cleansing sewers, drains, public sanitary conveniences and for watering the streets. Rent of meters.

12. In all the pipes to which any public fire-hydrant shall be fixed, the Board shall provide and keep constantly laid on, unless prevented by frost or during necessary repairs, or from any other unavoidable cause or inevitable accident, a sufficient supply of water for the following purposes, that is to say :—for cleansing the sewers and drains and public sanitary conveniences, for cleansing and watering the streets, and such supply shall be provided by measure at the minimum rate.

The usual rent of meters according to size shall be paid to the Board, who shall provide and keep such meters in good repair.

[Liability of Board for interruptions of supply.]

12A. The Board is not liable for any loss or damage caused by a restriction or interruption of the water supply.]

NOTE

Article 12A was inserted by the States Water Supply (Amendment) (Guernsey) Law, 1991, section 3(b), with effect from 1st July, 2004.

Water for extinguishing fires shall be supplied free.

13. Water may be taken from the fire-hydrants for the purpose of extinguishing fires without making any payment for the same.

[Water rate for domestic purposes.]

14. ...]

NOTE

Article 14 was repealed by the States Water Supply (Amendment) (Guernsey) Law, 1978, section 1(a), with effect from 1st January, 1980.¹¹

Rate for other purposes. Position of taps or standpipes.

15. ...

In all cases where a constant supply of water is provided, taps available for drawing water for drinking or cooling purposes shall, as far as possible, be supplied from the supply pipe, and not from any cistern.

No consumer's tap or standpipe shall be fixed in any courtyard, public thoroughfare, common stair-case, or outside any promises without special permission from the Board. If in the opinion of the Board any such tap or standpipe shall directly or indirectly conduce to, or be used so as to cause waste or misuse of the water, such tap or standpipe shall be removed by the consumer within 14 days of the receipt by him of an order to the effect from the Board.

NOTE

In Article 15, the first paragraph was repealed by the States Water Supply (Amendment) (Guernsey) Law, 1978, section 1(b), with effect from 1st January, 1980.¹²

Separate pipes for each house.

16. The Board may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

[Board to supply water: States to fix charges.]

17. (1) The Board shall, at the request of the owner or occupier of any property in any street, road or public place in which any water pipe of the Board is laid, furnish to such property a sufficient supply of water for domestic use subject to the provisions of any Ordinance for the time being in force under the provisions of this Article.

(2) The Board shall, at the request of any person desirous of having such supply, supply water for other than domestic use subject to the provisions of any Ordinance for the time being in force under the provisions of this Article.

(3) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for all or any of the following matters –

- (a) the manner in which the charges for the supply of water by the Board shall be calculated,
- (b) fixing the charges which, save in so far as they are the subject of an agreement between the Board and a person desirous of having water supplied by the Board, may be made by the Board for the supply of water by the Board,
- (c) such other terms and conditions which are to be applicable to the supply of water by the Board.

(4) An Ordinance made under the provisions of this Article may make different provisions –

- (a) for the manner in which the supply of water by the Board for different purposes shall be calculated,
- (b) for the charges which may be made by the Board for the supply of water by the Board for different purposes,
- (c) for such other terms and conditions which are to be applicable to the supply of water by the Board for different purposes.

[(5) The Board may from time to time vary water charges by Order, but not so as to result in an increase in those charges as last fixed by an Ordinance of the States under this Article which exceeds the percentage increase if any in the Guernsey Retail Price Index during the period commencing nine months prior to the effective date of that Ordinance and ending on the most recent date for which that

Index has been published in a Billet d'État.

(6) Any Order made under this Article must be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new Order.]]

NOTES

Article 17 was substituted by the States Water Supply (Amendment) (Guernsey) Law, 1978, section 1(c), with effect from 1st January, 1980, subject to the provisions of the Proviso to section 4 of the 1978 Law.¹³

In Article 17, subsection (5) and subsection (6) were inserted by the States Water Supply (Amendment) (Guernsey) Law, 1997, section 1, with effect from 19th August, 1997.

The following Ordinance has been made under Article 17:

Water Charges Ordinance, 1991.

The following Order has been made under Article 17:

Water (Reconnection Charges) Order, 2006.

The following Regulations have been made under Article 17:

Water Charges (Amendment) Regulations, 2021.

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation.

Register of meter to be evidence of consumption.

18. (1) Where the Board supplies water by measure, the register of the meter is *prima facie* evidence of the quantity of water supplied.

(2) The owner or occupier of any property to which the Board supplies water by measure may require the Board to test the accuracy of the meter.

(3) If a meter on being tested under subsection (2) is shown to be accurate or to register incorrectly to a degree of 5 per cent or less, the person who required the test to be undertaken shall be liable to pay to the Board the test fee prescribed from time to time by Order of the Board.

(4) A test fee under subsection (3) shall be recoverable in the manner in which charges for the supply of water are recoverable.

(5) If a meter on being tested (whether under subsection (2) or otherwise) –

(a) is shown to be accurate or to register incorrectly to a degree of 5 per cent or less, it shall be deemed to have registered correctly,

(b) is shown to register incorrectly to a degree exceeding 5 per cent, it shall be deemed to have registered incorrectly to that degree since the last occasion but one (prior to the test) on which the meter was read for the purposes of preparing an account, unless it is shown to have begun to register incorrectly on a later date; and if the meter has registered –

(i) more than the quantity supplied, a refund shall be paid or allowed by the Board,

(ii) less than the quantity supplied, an extra payment shall be made to the Board, recoverable in the manner in which charges for the supply of water are recoverable.

- (6) A person who without reasonable excuse –
- (a) alters the index of a meter used by the Board for measuring the quantity of water supplied to any property,
 - (b) prevents any such meter from correctly registering the quantity supplied, or
 - (c) connects or disconnects any such meter without the Board's written consent,

is guilty of an offence and liable on summary conviction to a fine not exceeding [level 4 on the uniform scale].

(7) The provisions of Article 20 of this Law apply to a person convicted of an offence under subsection (6) as they apply to a person mentioned in that Article.]

NOTES

Article 18 (which was previously repealed by the States Water Supply (Amendment) (Guernsey) Law, 1978, section 1(d), with effect from 1st January, 1980) was inserted by the States Water Supply (Amendment) (No. 2) (Guernsey) Law, 1987, section 1, with effect from 15th December, 1987.

In Article 18, the words and figure in square brackets in subsection (6) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

The following Order has been made under Article 18:

States Water Supply (Fees) Order, 1988.

In accordance with the provisions of the States Water Supply (Fees) Order, 1988, Article 1, with effect from 11th March, 1988, the test fee to be paid

under subsection (3) of this Article shall be £16.

Unlawful user of Water. Waste.

19. Any person using for other than domestic purposes any water supplied by the Board for domestic purposes, and not having previously agreed with them for a supply of water for other than domestic purposes, or using for any purpose other than that for which the water is supplied by the Board for the purpose agreed, or failing to notify the Board of any waste occasioned through defective fittings in or upon the premises occupied by such person, shall be [guilty of an offence and] liable to pay to the Board such sum as the Court shall judge expedient for each day on which the offence has been committed and in addition to a fine not exceeding [level 3 on the uniform scale] for such offence unless in the case of waste as aforesaid, he shall satisfy the Court that such waste occurred without his knowledge.

NOTES

In Article 19,

the words in the first pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(i), with effect from 30th June, 1987;

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(2), with effect from 1st July, 1989.¹⁴

Penalty for contravention of this law.

20. Where any person supplied by the Board with water wilfully does, or causes to be done, anything in contravention of any of the provisions of this law, or wilfully omits to do anything which under those provisions ought to be done for the prevention of waste, misuse, or undue consumption of the water of the Board, the Board may turn off the water supplied by them to such person, and cease to supply such person with water until the cause of injury is remedied. the Board also may recover from such person damages for any loss or injury which they may have

sustained by reason of such act or wilful omission.

Repair of pipes, &c.

21. The Board may repair any pipe, cock, cistern or other apparatus [situate on any property supplied by them] so that waste of water therefrom may be prevented, and the expenses of such repair shall be repaid to them by the persons so allowing the same to be out of repair.

NOTE

In Article 21, the words in the second pair of square brackets were inserted by "The States Water Supply Law, 1952" (the States Water Supply Laws 1927 to 1951, (Amendment) (Guernsey) Law, 1952), Article 1, with effect from 16th August, 1952.

Meters.

22. It shall be lawful for the Board to provide and fix a meter in any house or premises for the purpose of testing for or checking waste, and the undue consumption of water, and to keep such meter in repair.

Inspection of meters.

23. The Inspector or other Officers of the Board may, between the hours of ten a.m. and four p.m. enter into any house, building or premises in which their meters shall be affixed in order to inspect the meters and the works connected therewith for the purpose of ascertaining the quantity of water consumed or supplied as well as the state and condition of such meters and works, and it shall be lawful for the Board by their officers or servants from time to time between the hours aforesaid to enter any house, building and premises for the purpose of removing and carrying away any such meter, pipes, fittings or other works the property of the Board.

Article 24.

24. The Inspector or any other person acting under the authority of the

Board may, between the hours of ten a.m. and four p.m. enter into any promises supplied with water by the Board to examine if the pipes, ball or stop-cocks, or other necessary apparatus, are provided and are in good repair, or if the water be properly drawn off, or if there be any waste, misuse, or undue consumption of such water, and if such Inspector or other person at any such time be refused admittance into such premises, for the purposes mentioned in this or the preceding Article or be prevented from making such examination as aforesaid, the Board shall have the right to cut off the water from such house or buildings.

Every person acting as aforesaid with the authority of the Board shall, when required to do so, produce his authority so as to be easily recognised as being an employee of the Board.

Cost of supplying pipes. Cost of meters.

25. The cost of supplying pipes and accessories for use on any property shall be borne by the proprietor or occupier as the case may be, who shall also keep the same in order at his expense. The cost of meters, as also the expense of maintaining them, shall be paid by the Board, but the Board shall be entitled to charge rent for the meters.

[Service pipes and fittings.

26. (1) Any service pipe or fitting laid between any water main and an outside boundary of the property to be supplied shall be laid by the Board at the cost of the applicant for such supply, which cost shall be recoverable by the Board from the applicant as a civil debt.

(2) For the purpose of the calculation of the aforesaid cost, the water main of the Board shall be deemed to be situate in the middle of the street, road, or public place in which it lies.

(3) Notwithstanding the provisions of the last preceding section,

the Board may, in its discretion, charge to the applicant the actual cost of laying service pipes or fittings from the water main, where laid, to the boundary of the property to be supplied, provided that that charge does not exceed the cost calculated under the provisions of the last preceding section.

(4) The Board shall, at its own expense, maintain and, when necessary, renew, all service pipes and fittings other than those situate on any property supplied by them, which service pipes and fittings whether laid before or after the commencement of this Law shall vest in and be the property of the Board.

(5) The provisions of this Article shall apply only to service pipes and fittings provided for the purpose of domestic user.]

NOTE

Article 26 was substituted by the "The States Water Supply Law, 1952" (the States Water Supply Laws 1927 to 1951, (Amendment) (Guernsey) Law, 1952), Article 2, with effect from 16th August, 1952.

When rates payable.

27. [The rates as respects any consumer shall be paid at such quarterly intervals in each year as the Board shall from time to time determine], and the charge shall be made from the time when the pipe by which the water is supplied is made to communicate with the pipes of the Board.

NOTE

In Article 27, the words in square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1973, Article 1, with effect from 8th March, 1973.

Neglect to pay rate.

28. If any person supplied with water by the Board or liable to pay the water rate neglect to pay such water rate within 14 days after the same shall have become due and demanded, the Board may stop the supply of water into the premises in respect of which such rate is payable by cutting off the pipe to such premises, or may enter such premises for the purpose of cutting off the supply to the same. the Board shall be entitled to recover not only the water rate but the expenses incurred in cutting off the water.

Tenement houses.

29. The proprietor of a dwelling house occupied in separate tenements shall be liable for the payment of the rates instead of the occupiers thereof; and the powers and provisions herein or in this law contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements.

Power of Board to make bye-laws.

30. The Board may make bye-laws for the purpose of preventing waste, undue consumption, misuse, or contamination of water, and may by such bye-laws prescribe the size, nature, materials, workmanship and strength, and mode of arrangement, connection, disconnection, alteration and repair of the pipes, meters, cocks, ferrules, valves, soil pipes from water closets, baths, tanks, cisterns, and other apparatus to be used, and forbid any materials or any arrangements and the use of any water fitting which may tend to waste or cause undue consumption, misuse, erroneous measurement, or contamination; provided always that such bye-laws shall not have any force or effect until the same shall have received the sanction of the Royal Court. It shall be lawful for the Board from time to time, with such sanction as aforesaid, to repeal, amend, re-enact and make fresh bye-laws.

NOTES

The following Ordinances have been made under Article 30:

Water Byelaws (Restrictions) Ordinance, 1976;

*Water Restrictions (Amendment) Ordinance, 1997;
Water Byelaws (Guernsey) Ordinance, 2003.*

The following Byelaws have been made under Article 30:

*Water (Restrictions) Byelaws, 1976 (G.S.I. No. 22);
Water (Restrictions) Byelaws, 1976 (G.S.I. No. 47);
Water Restrictions (Amendment) Byelaws, 1997 (G.S.I. No. 20).*

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or (pursuant to amendments to that Article made by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016) on the States Policy & Resources Committee, as the case may be.

Notice from a consumer of discontinuance of a supply of water.

31. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be valid unless it be in writing and be signed by the consumer giving up the supply, and be left at or sent by post to the office of the Board. Such notice shall be given one calendar month at least before quarter day, in default of which the consumer shall be liable for the payment of the rate for the quarter next ensuing.

Penalty on proprietors allowing any person having no right to take water from pipes supplied by the Board.

32. Every proprietor or occupier of a house or building who shall allow any person who has no right thereto to take water from the cistern or pipes placed in such premises and supplied by the Board (except in case of fire, or unless such person being a consumer is deprived of supply through no fault of his own) shall be [guilty of an offence and] liable to a penalty not exceeding [level 3 on the uniform scale].

NOTES

In Article 32,

the words in the first pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(i), with effect from 30th June, 1987;

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(2), with effect from 1st July, 1989.¹⁵

Unlawful taking of water from any reservoir, &c. belonging to the Board.

33. Any person, not being supplied with water by the Board who shall unlawfully take or use any water from any reservoir, water course, conduit, cistern or pipe belonging to the Board, or from any pipe leading to or from such reservoir, water course, conduit or pipe, or from any cistern or other like place containing water belonging to the Board or supplied by it, shall be [guilty of an offence and] liable to a fine not exceeding [level 3 on the uniform scale].

NOTES

In Article 33,

the words in the first pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(i), with effect from 30th June, 1987;

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(2), with effect from 1st July, 1989.¹⁶

Public fountains.

34. The Board may contract for the supply of water for drinking purposes, to be consumed "*in situ*" only, at any public fountain or drinking trough, and any person using such public fountain or drinking trough for any other purpose, or in any other manner than as aforesaid, shall be [guilty of an offence and] liable to a fine not

exceeding [level 3 on the uniform scale].

NOTES

In Article 34,

the words in the first pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(i), with effect from 30th June, 1987;

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(2), with effect from 1st July, 1989.¹⁷

Wilful damage.

35. Any person who shall wilfully break or injure any lock, engine, pump, cock, valve, pipe or other fitting under control of the Board, or who shall wilfully flush or draw off water from the reservoirs or other works of the Board or commit damage to such reservoirs or works, or shall do any other wilful act whereby water shall be wasted or the supply thereof be interrupted, shall be [guilty of an offence and] liable under conviction to a fine not exceeding [level 4 on the uniform scale], or to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment.

NOTES

In Article 35,

the words in the first pair of square brackets were substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(c)(i), with effect from 30th June, 1987;

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(2), with effect from 1st July, 1989.¹⁸

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 21st January, 1980, and subject to the provisions of section 2(3) of that Law, no person shall be

sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this Article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before that date.

Article 36.

36. The sum due to the Board for the water supplied by them shall be paid by, and recoverable from the person requiring or receiving, or using the supply of water.

Several houses or tenements supplied by one common pipe.

37. When several houses or tenements, or parts of houses or tenements, are in the separate occupation of several persons, who are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Board by a separate pipe.

Quarries.

38. Nothing in this law shall affect the right of proprietors or occupiers of lands or quarries from laying pipes or constructing drains or water courses for the purpose of drawing off water from such land or quarries; provided always that the water so drawn off shall in no case be sold.

[Laying and use of pipes for supply of water to others.

39. (1) Save with the permission of the Board it shall not be lawful for any person other than the Board to lay or use pipes for the supply of water to others.

Provided that the provisions of this Article shall not have effect –

- (a) as regards the laying, repair and renewal of pipes

elsewhere than in the public roads, streets or ways of this Island in districts not served by the Board's mains and the use of such pipes for the supply of water to others while a supply from the Board's mains is not available, or

(b) as regards the use, repair and renewal of pipes in use for the supply of water to others on the 31st day of December, 1937, whether laid in the public roads, streets or ways of this Island or elsewhere, for

(i) the continued supply of water to premises which, or of which some part or parts thereof, were being supplied with water by means of such pipes on such last-mentioned date and of which premises so supplied particulars together with the names and postal addresses of the then owners and occupiers thereof are furnished to the Board by the supplier of water thereto within thirty days after the first publication by the Board in "La Gazette Officielle" of an announcement requiring suppliers of water to furnish such particulars and information to the Board, and

(ii) the supply of water to other premises which are contiguous to the last-mentioned premises, and are now or are hereafter in the same ownership or occupation; and where premises are supplied with water by virtue of the provisions of this sub-paragraph, the supply may be lawfully

continued notwithstanding the cessation of the common ownership or occupation which had hitherto rendered such supply lawful.

(2) Upon the Board refusing to grant permission to any person to lay or use pipes for the supply of water to others, any person aggrieved by such refusal may petition the Royal Court sitting as a Full Court and thereupon the Court, after hearing the petitioner and the Board, may direct the Board to grant in whole or in part such permission as was applied for.

(3) Any person who shall contravene any provision of this Article shall be guilty of an offence and shall be liable on conviction [...] to a fine not exceeding [level 3 on the uniform scale], and upon any such conviction, in addition to such fine, [the court convicting him] may order that any pipe as regards which the contravention occurred shall be removed or rendered unusable by the Board or otherwise at the expense of the person convicted.]

NOTES

Article 39 was substituted by the States Water Supply Law, 1938, Article 1, with effect from 28th May, 1938.¹⁹

In Article 39,

the words omitted in the first pair of square brackets in subsection (3) were repealed, and the words in the third pair of square brackets therein were substituted, by the States Water Supply (Amendment) (Guernsey) Law, 1987, respectively section 1(d)(i) and section 1(d)(iii), with effect from 30th June, 1987;

the words and figure in the second pair of 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, 1989.²⁰

Fines.

40. The fines inflicted under this present law, where it is not otherwise

provided, shall be applied half to His Majesty and half to the informer.

Law of 1887 repealed.

41. The law relating to the undertaking of works necessary to furnish water to the inhabitants of this Island, sanctioned by Order of Her late Majesty in Council, dated November 28th, 1887, registered on the Records of this Island on December 17th, 1887, and the law relating to the extension of the undertaking of the necessary works for furnishing water to the inhabitants of this Island, sanctioned by Order of Her late Majesty in Council, dated December 12th, 1891, registered on the Records of this Island on December 28th, 1891, are hereby repealed.

NOTE

The Law received Royal Sanction on 22nd April, 1927 and was registered on the Records of the Island of Guernsey and came into force in the Island of Guernsey on 7th May, 1927.²¹

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 The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the States 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.

³ Previously, collective title provisions were made in those amending Laws as follows: the States Water Supply Law, 1938, Article 2, with effect from 28th May, 1938; the States Water Supply Law, 1946 ("Loi de 1946 Amendant la Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île"), Article 4, with effect from 26th December, 1945; "The States Water Supply Law, 1951" (the States Water Supply Laws, 1927 to 1947, (Amendment) (Guernsey) Law,

1951), Article 3(1), with effect from 25th March, 1951; "The States Water Supply Law, 1952" (the States Water Supply Laws 1927 to 1951, (Amendment) (Guernsey) Law, 1952), Article 3, with effect from 16th August, 1952; the States Water Supply (Amendment) (Guernsey) Law, 1957, section 2, with effect from 29th April, 1957; the States Water Supply (Amendment) (Guernsey) Law, 1958, section 3, with effect from 26th December, 1958; the States Water Supply (Amendment) (Guernsey) Law, 1962, section 3, with effect from 3rd July, 1962; the States Water Supply (Prevention of Pollution) (Guernsey) Law, 1965, section 14(1), with effect from 27th July, 1966; the States Water Supply (Amendment) (Guernsey) Law, 1970, section 2(2), with effect from 2nd February, 1971; the States Water Supply (Amendment) (Guernsey) Law, 1973, Article 1, with effect from 8th March, 1973; the States Water Supply (Amendment) (Guernsey) Law, 1987, section 5, with effect from 30th June, 1987; the States Water Supply (Amendment) (No. 2) (Guernsey) Law, 1987, section 3, with effect from 15th December, 1987; the States Water Supply (Amendment) (Guernsey) Law, 1991, section 5, with effect from 1st July, 2004.

⁴ These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(ii), with effect from 30th June, 1987.

⁵ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004.

⁶ The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Public Thoroughfares Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 23, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁷ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 23, with effect from 6th May, 2004.

⁸ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

⁹ 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.

¹⁰ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

11 Prior to its repeal, Article 14 was amended by the States Water Supply Law, 1946 ("Loi de 1946 Amendant la Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île"), Article 1, with effect from 26th December, 1945; the States Water Supply Law, 1947 ("The States Water Supply Laws 1927 to 1946, (Amendment) Law, 1947"), Article 1, with effect from 14th October, 1947; and substituted by "The States Water Supply Law, 1951" (the States Water Supply Laws, 1927 to 1947, (Amendment) (Guernsey) Law, 1951), Article 1, with effect from 25th March, 1951; the States Water Supply (Amendment) (Guernsey) Law, 1958, section 1(a), with effect from 26th December, 1958. Maximum annual rates for the supply of water to any property for domestic use were, from time to time, set by Ordinances made under Article 14; searching the Guernsey Legal Resources website for "States Water Supply (Maximum Rates)" in "Ordinances" in advanced search should retrieve these, should they need to be consulted. This Law was formerly applied to Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VI, with effect from 1st January, 1949, until 25th March, 1955, when the said Part VI was repealed by the Alderney Water Supply (Transfer of Functions) Ordinance, 1955, section 1; Article 14 was modified in that application.

12 Prior to its repeal, the first paragraph of Article 15 was amended in accordance with the provisions of the Mental Treatment Law (Guernsey) 1939, Article 45, with effect from 6th March, 1940.

13 Article 17 was previously substituted by the States Water Supply Law, 1946 ("Loi de 1946 Amendant la Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île"), Article 2, with effect from 26th December, 1945; "The States Water Supply Law, 1951" (the States Water Supply Laws, 1927 to 1947, (Amendment) (Guernsey) Law, 1951), Article 1, with effect from 25th March, 1951; the States Water Supply (Amendment) (Guernsey) Law, 1958, section 1(b), with effect from 26th December, 1958; amended by the States Water Supply (Amendment) (Guernsey) Law, 1970, section 1, with effect from 2nd February, 1971; amended in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 15th February, 1971; and modified in accordance with the provisions of the States Water Supply (Amendment) (Guernsey) Law, 1957, section 1, with effect from 29th April, 1957.

14 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(ii), with effect from 30th June, 1987.

15 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(ii), with effect from 30th June, 1987.

16 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(ii), with effect from 30th June, 1987.

17 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(a)(ii), with effect from 30th

June, 1987.

18 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(c)(ii), with effect from 30th June, 1987.

19 This Law was formerly applied to Alderney by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VI, with effect from 1st January, 1949, until 25th March, 1955, when the said Part VI was repealed by the Alderney Water Supply (Transfer of Functions) Ordinance, 1955, section 1; Article 39 was modified in that application.

20 These words and figure were previously substituted by the States Water Supply (Amendment) (Guernsey) Law, 1987, section 1(d)(ii), with effect from 30th June, 1987.

21 This Law (save for Article 9 thereof) was formerly applied to Alderney, with modifications, by the Alderney (Application of Legislation) Ordinance, 1948, section 1, First Schedule, Part VI, with effect from 1st January, 1949, until 25th March, 1955, when the Alderney Water Supply (Transfer of Functions) Law, 1954 and the Alderney Water Supply (Transfer of Functions) Ordinance, 1955 entered into force.