

# ORDER IN COUNCIL

**VII**  
**1991**

ratifying a Projet de Loi

ENTITLED

## **The States Water Supply (Amendment) (Guernsey) Law, 1991**

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(Registered on the Records of the Island of Guernsey  
on the 20th August, 1991.)

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1991

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 20th day of August, 1991 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.*

The Bailiff having this day placed before the Court an Order of The Counsellors of State in Council dated the 21st day of May, 1991, approving and ratifying a *Projet de Loi* of the States of Guernsey entitled “The States Water Supply (Amendment) (Guernsey) Law 1991”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

# **At the Court at Saint James**

The 21st day of May 1991

PRESENT.

## **The Counsellors of State in Council**

WHEREAS Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of May 1991, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 2nd day of May 1991, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

“1. That, in pursuance of their Resolutions of the 28th day of January 1988 and the 25th day of July 1990 the States of Deliberation at a meeting held on the 13th day of December 1990 approved a Bill or “Projet de Loi” entitled “The States Water Supply (Amendment) (Guernsey) Law, 1991” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is as set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The States Water Supply

(Amendment) (Guernsey) Law, 1991”, and to order that the same shall have force of law in the Island of Guernsey.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said petition and to approve of and ratify the said Projet de Loi.”

NOW, THEREFORE, His Royal Highness The Prince Andrew, Duke of York, and His Royal Highness The Prince Edward, being authorised thereto by the said Letters Patent, have taken the said Report into consideration and do hereby, by and with the advice of Her Majesty’s Privy Council, on Her Majesty’s behalf, approve of and ratify the said Projet de Loi, and order, and it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND do hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*G. I. de Deney*

# PROJET DE LOI

ENTITLED

## **The States Water Supply (Amendment) (Guernsey) Law, 1991**

THE STATES, in pursuance of their Resolutions of the 28th day of January, 1988 and the 25th day of July, 1990, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

### *Liability for water damage*

1. (1) Where there is an escape of water from a main or service pipe, however caused, the States Water Board ("the Board") is liable, subject to subsections (2) and (3), for any damage done by the escaping water.

(2) The Board is not liable under subsection (1) if the escape is due wholly to the fault of the person who suffers the damage or his servants, agents or contractors.

(3) The States may by Ordinance limit the Board's liability under subsection (1) in respect of any one escape of water to the amount specified in the Ordinance.

(4) For the purposes of the provisions of the Fatal Accidents (Guernsey) Laws, 1900 and 1960(a) and Parts I, II and IV of the Law Reform (Tort) (Guernsey) Law, 1979(b), the Board's liability under subsection (1) shall be deemed to have arisen by reason of the Board's negligence; and those provisions shall apply accordingly.

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(a) Ordres en Conseil Vol. III, p. 235; Vol. XVIII, p. 281.

(b) Ordres en Conseil Vol. XXVII, p. 50.

(5) This section does not affect any liability of the Board arising independently of this section.

(6) An Ordinance under subsection (3)—

- (a) shall not have effect in respect of an escape of water occurring before the commencement of the Ordinance;
- (b) may contain incidental, supplemental, consequential and transitional provisions;
- (c) may be amended or repealed by a subsequent Ordinance thereunder.

2. In section 1—

“the Board” means the States Water Board;

“damage” means physical damage to property, death or personal injury (including any disease and any impairment of physical or mental condition);

“fault” means negligence, breach of statutory duty or other acts or omissions which give rise to a liability in tort or which would, apart from Part I of the Law Reform (Tort) (Guernsey) Law, 1979, give rise to a defence of contributory negligence;

“main” means a pipe vested in the Board and used by the Board for the purpose of making a general supply of water available to customers of the Board (as opposed to the purpose of providing a supply to particular customers);

“service pipe” means a pipe (other than a main) connected to a main, vested in the Board and used by the Board for the purpose of supplying water from the main to any property, but only includes such part thereof—

- (a) as is subject to water pressure from the main (or would be so subject but for the closing of some valve); and

- (b) as lies between the main and the boundary of the first property supplied by the service pipe.

*Amendment to 1927 Law*

3. In the Law entitled “Loi ayant rapport à la Fourniture d’Eau par les Etats de cette Ile aux Habitants de la dite Ile” registered on the 7th May, 1927, as amended(c)—

(a) in article 6—

(i) after “and may do all other acts” insert “which are incidental to the exercise of those powers and”;

(ii) for “damage which may be done in the execution of such powers” substitute “physical damage done at the time of and in the course of the execution of those powers (other than damage done by escaping water)”;

(b) after article 12 insert—

“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.”.

*Citation*

4. This Law may be cited as the States Water Supply (Amendment) (Gunersey) Law, 1991.

*Collective title*

5. This Law and the States Water Supply Laws, 1927 to 1987, may be cited together as the States Water Supply Laws, 1927 to 1991.

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(c) Ordres en Conseil Vol. VIII, p. 112; Vol. XI, p. 236; Vol. XV, p. 274; Vol. XXVI, p. 536; and Nos. VII and XVI of 1987.

### *Commencement*

6. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.