

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Drought (Guernsey) Law, 1978**

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(Registered on the Records of the Island of Guernsey  
on the 28th day of February, 1978.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 28th day of February, 1978, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Esquire, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 9th day of February, 1978, ratifying a *Projet de Loi* entitled "The Drought (Guernsey) Law, 1978", 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 Buckingham Palace

The 9th day of February 1978

PRESENT,

## The Queen's Most Excellent Majesty in Council

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 20th day of January 1978 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 Resolution of the 6th day of October 1976, the States of Deliberation at a meeting held on the 25th day of May 1977, approved a Bill or ‘Projet de Loi’ entitled ‘The Drought (Guernsey) Law, 1978’, 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 in the words and figures 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 Drought (Guernsey) Law, 1978’, 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."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth 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.

*N. E. Leigh*

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Drought (Guernsey) Law, 1978**

#### ARRANGEMENT OF SECTIONS

##### *Section*

1. Control of water from private supply.
2. No restriction to be placed on water from a private supply unless a like restriction applies to water supplied by the Board.
3. No compensation payable for prohibition or limitation of use of water from a private supply.
4. Powers of entry, inspection, etc.
5. Burden of proof in certain proceedings.
6. Offences by bodies corporate.
7. Offences.
8. Interpretation.
9. Citation.

# PROJET DE LOI

ENTITLED

## **The Drought (Guernsey) Law, 1978**

THE STATES, in pursuance of their Resolution of the sixth day of October, nineteen hundred and seventy-six, 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.

1. (1) Notwithstanding the provisions of any other enactment, if at any time the States are satisfied that, by reason of an exceptional shortage of rain or other exceptional circumstances, a serious deficiency of supplies of water exists or is threatened and that the deficiency is such as to be likely to impair the economic or social well-being of persons in the Island, then, subject to the provisions of this Law, the States may by Ordinance make provision for all or any of the following matters:—

Control  
of water  
from private  
supply.

- (a) prohibiting or limiting the use of water from a private supply for such purposes and in such areas as may be specified in the Ordinance;
- (b) empowering the Board from time to time by order to bring into force all or any of the provisions of any Ordinance made under this subsection for such period and in relation to such area as may be specified in the order;
- (c) such incidental and supplementary matters for which the States may deem it necessary for the purposes of any such Ordinance to provide.

(2) Where the effect of any order made by the Board is to prohibit or limit the use of water from a private supply, such order shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or the next subsequent meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Board of a new order.

No restriction to be placed on water from a private supply unless a like restriction applies to water supplied by the Board.

2. Notwithstanding the provisions of section one of this Law, no prohibition or limitation upon the use of water from a private supply shall be imposed by or under any Ordinance made under the provisions of the said section unless there is for the time being in force under the provisions of any other enactment a similar prohibition or limitation, as the case may be, upon the use of water supplied by the Board in accordance with the provisions of the States Water Supply Law.

No compensation payable for prohibition or limitation of use of water from a private supply.

3. No compensation shall be payable to any person in respect of loss or damage caused by any prohibition or limitation imposed under the provisions of this Law upon the use of water from a private supply.

Powers of entry, inspection, etc.

4. (1) Any person duly authorised in writing in that behalf by the Board may on giving reasonable notice and on production of his authority (if so required) enter on any land at any reasonable time for the purpose of making such inspection, examination and enquiry as may be necessary for the effectual

operation of this Law or of any Ordinance or order made thereunder.

(2) Any person who wilfully obstructs a person from exercising any of the powers conferred upon him by subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

5. If in any proceedings against the owner of a private supply for an offence concerning the unlawful use or abstraction of water from a private supply it is proved that such owner has stored or used water and the question arises as to whether that water is or is not water unlawfully taken from a private supply, the burden of proving that such water is not water unlawfully taken from a private supply shall be on such owner.

Burden of proof in certain proceedings.

6. Where an offence under this Law which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Offences by bodies corporate.

7. A person who contravenes, or attempts to contravene or fails to comply with any of the provisions of an Ordinance or order made under this Law shall be guilty of an offence under this Law and shall on conviction be liable to a fine not exceeding in the case of a first offence fifty pounds and, in the case of a second or subsequent offence, one hundred pounds.

Offences.



Interpreta-  
tion.

8. (1) In this Law, 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 Water Board;

“owner” includes the occupier of land on which is situated a private supply and any other person who has a right to take water from such private supply;

“private supply” means a supply of water contained in a stream, well, borehole or quarry;

“the States Water Supply Law” means 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 seventh day of May, nineteen hundred and twenty-seven(a).

(2) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as repealed and re-enacted, amended, extended or applied by or under any other enactment including this Law.

(3) Any power conferred by this Law to make any Ordinance or order shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance or order.

Citation.

9. This Law may be cited as the Drought (Guernsey) Law, 1978.

W. J. GAUDION,  
Her Majesty's Deputy Greffier

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(a) Ordres en Conseil Vol. VIII, p. 112.