

# PROJET DE LOI

ENTITLED

## **The Alderney Water Supply Law, 1954 \***

[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. XVI, p. 129; as amended by the Alderney Water Supply (Amendment) Law, 1968 (Ordres en Conseil Vol. XXI, p. 310); the States Water Supply (Prevention of Pollution) (Alderney) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 523); the States Water Supply (Amendment) (Alderney) Law, 1973 (Ordres en Conseil Vol. XXIV, p. 59); the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Alderney Water Supply (Amendment) Law, 1999 (No. VII of 1999, Ordres en Conseil Vol. XXXIX, p. 124); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Age of Majority (Alderney) Law, 2001 (No. XXV of 2001, Ordres en Conseil Vol. XLI, p. 738); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Resolution of the States of Alderney of 30th April, 1955 (Billet d'État, 30th April, 1955, Article IX).

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## **The Alderney Water Supply Law, 1954**

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## **The Alderney Water Supply Law, 1954**

**THE STATES**, in pursuance of their Resolution of the seventeenth day of March, 1954, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council shall have force of law in this Island.

### **Alderney [General Services Committee].**

**1.** (1) The States shall, as soon as may be after the coming into force of this Law and from time to time thereafter –

- (a) elect a committee of the States which shall be styled the States of Alderney [General Services Committee] (hereinafter referred to as "**the Board**"),
- (b) elect a Chairman of the Board,
- (c) prescribe, by resolution, the terms and conditions under which the Chairman and members of the Board shall hold their respective offices.

(2) The States of Guernsey Water Board shall have all the powers and perform all the duties to be exercisable by the Board under the provisions of this Law until the States elect the Board in pursuance of the provisions of the last preceding subsection, whereupon the functions of the said Water Board under this subsection shall cease.

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**NOTES**

*In section 1, the words in square brackets in the marginal note thereto, and in the definition of the expression "the Board", were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997.*

*The functions of the States of Alderney Water Board under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

*In accordance with their Resolution of 30th April, 1955 on Article XI of the Billet d'État of that date, the States of Alderney appointed the committee referred to in subsection (1) of this section then known, prior to the transfer of functions noted above, as the Alderney Water Board.*

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**Duty to supply water.**

2. (1) The Board shall be charged with the duty of supplying for domestic or other purposes spring water, water from streams and water from other sources; which water, when supplied for domestic purposes, shall be pure and wholesome.

(2) For the purposes of ensuring that water supplied under the provisions of the last preceding subsection is pure and wholesome –

- (a) a qualified bacteriologist appointed by the Board in that behalf shall, at least once in each month, at the expense of the Board, make an analysis of water so supplied, and
- (b) the Medical Officer of Health may, from time to time, make an analysis of water so supplied.

**Entry upon land, etc.**

3. Any person authorised in writing in that behalf by the Board shall have power (if he gives reasonable notice in writing of his intention so to do, to the occupier of land and other premises and does no damage thereto) to enter upon such land 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 land and premises, and any person who shall wilfully obstruct any such authorised person in doing any of the above acts shall be liable, on conviction, to a fine not exceeding [level 1 on the Alderney uniform scale].

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**NOTE**

*In section 3, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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**Supply to owner of well which has been dried.**

4. 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 –

- (a) 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, if such water is supplied by measure,
- (b) the Board shall supply, fix and keep in repair a meter at their own cost if such water is supplied by measure,

PROVIDED always, that if water shall return to the well so dried, the Board shall be entitled to discontinue such supply, or to charge the ordinary rate therefor, and the

Board shall have the right to visit any such well between the hours of nine in the forenoon and five in the afternoon on any day for the purpose of testing the quantity of water in it.

**Control of Streams.**

5. Any stream (hereinafter referred to as a "**controlled 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. The Board shall give due notice to the inhabitants of the Island in the usual manner of every stream or part of a stream so taken over, and where such stream or part of a stream is accessible from any public way a board containing the said notice shall be affixed and maintained so as to be clearly visible from such public way.

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, on conviction, [to a fine not exceeding [level 1 on the Alderney uniform scale] and to a further fine not exceeding five pounds] 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 owners or occupiers of properties across which such streams flow and other persons having rights thereto

from exercising their rights to the use of water therefrom.

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## NOTES

*In section 5,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(a), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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## **Contamination of Streams, etc.**

6. ...

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## NOTE

*Section 6 was repealed by the States Water Supply (Prevention of Pollution) (Alderney) Law, 1972, section 13, with effect from 7th March, 1973.*

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## **Laying of pipes, etc.**

7. The Board under such superintendence and under such conditions as may be imposed by the States [General Services Committee], 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 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 damage which may be done in the execution of such powers.



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**NOTES**

*In section 7, the words in square brackets were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997.*

*The functions of the States Committee for Public Works under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

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**Power of Board to undertake works.**

8. (1) The Board may exercise any of the powers referred to in subsection (2) upon or in relation to any land where it decides that it is necessary or expedient to do so for the purposes of –

- (a) supplying water to the inhabitants of the Island or any of them, or
- (b) increasing, improving or protecting the Island's water storage capacity or the quantity or quality of water available for public consumption or supply.

(2) The powers referred to in subsection (1) which the Board may exercise upon or in relation to the land are as follows –

- (a) the Board may instal and subsequently use, maintain, repair, modify, replace, extend or improve any pipes, conduits, plant, machinery or equipment whatsoever whereby water or additional quantities of water may be abstracted, conveyed, pumped, treated or stored,

- (b) for the purposes of exercising the powers mentioned in paragraph (a) or for any purpose ancillary or incidental thereto, the Board may carry out and subsequently maintain, repair, modify, replace, extend or improve such works, whether of excavation, construction or otherwise, as the Board may think fit,
- (c) for the purposes of exercising the powers referred to in paragraphs (a) and (b), but subject to the provisions of section 8E, the Board may, with its officers, servants, agents, workmen and contractors and all necessary equipment and materials, at all reasonable times enter and remain upon the land.]

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**NOTE**

*Section 8 was substituted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Other powers not prejudiced.]**

**8A.** The powers referred to in section 8(2) are in addition to and not in derogation from the powers conferred –

- (a) upon the Board by any other provision of this Law or by the Water (Control) (Alderney) Law, 1994<sup>\*</sup>, or
- (b) upon the States by the Compulsory Purchase (Alderney) Law, 1986<sup>\*\*</sup>.]

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<sup>\*</sup> Order in Council No. XII of 1994.

<sup>\*\*</sup> Ordres en Conseil Vol. XXIX, p. 156.

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**NOTE**

*Section 8A was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Works to be carried out quickly, etc.]**

**8B.** The Board shall, when exercising any power referred to in section 8(2), take all reasonable steps to ensure that –

- (a) it causes the least possible inconvenience to the owner or occupier of the land in question,
- (b) makes good any damage caused to the land, and
- (c) carries out any works as quickly and efficiently as possible and in a good and workmanlike manner.]

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**NOTE**

*Section 8B was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Compensation.]**

**8C.** (1) The Board shall, if it exercises any power referred to in section 8(2) upon or in relation to any land which is not in the ownership of the States, pay compensation in accordance with the provisions of this section.

(2) The amount of compensation shall be the sum of the following heads of loss to the extent only that such heads of loss are sustained by the owner or occupier of the land upon or in relation to which the power was exercised –

- (a) the amount of any diminution in the value of the land,
- (b) compensation for any other loss, damage or injury,

and, in assessing the amount of compensation, there shall be taken into account the amount, if any, by which the value of the land has been enhanced by the works in question, which amount may be set off against the amount of compensation.

(3) No compensation shall be paid in respect of any head of loss referred to in subsection (2) –

- (a) unless the loss was sustained by the owner or occupier of the land in question as a direct consequence of the exercise by the Board of the powers referred to in section 8(2); or
- (b) as to which the owner or occupier has himself been in default.

(4) In the absence of agreement, the amount of compensation shall be determined by a single arbitrator.

(5) The Arbitration (Alderney) Law, 1983, as amended<sup>\*\*\*</sup>, shall apply to an arbitration under this section.]

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**NOTE**

*Section 8C was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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Ordres en Conseil Vol. XXVIII, p. 236; and Vol. XXIX, p. 171.

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**[Proof of identity.]**

**8D.** Any person seeking to enter or remain upon any land by virtue of the powers conferred by section 8(2) shall, whenever so requested by the owner or occupier of the land, furnish such proof of his identity as is necessary to establish that he is entitled to enter the land.]

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**NOTE**

*Section 8D was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Notice to be served.]**

**8E.** (1) The Board shall, not less than 28 days before exercising the powers conferred by section 8(2)(c), except in cases of emergency, serve notice in writing on the owner or occupier of the land in question –

- (a) specifying the land upon which, and the period during which it is anticipated that, the powers are to be exercised,
- (b) stating the purpose mentioned in section 8(1) for which the powers are to be exercised and the action mentioned in section 8(2) which the Board intends to take.

(2) The Board may at any time withdraw or vary a notice under subsection (1); and the Board shall serve written notification of any such withdrawal or variation upon the owner or occupier of the land in question.]

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**NOTE**

*Section 8E was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Private agreements not affected.]**

**8F.** Nothing in this Part of this Law affects the power of the States or the Board to make any agreement which they could otherwise have made.]

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**NOTE**

*Section 8F was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Offences.]**

**8G.** A person who without reasonable excuse, proof whereof shall lie on him, obstructs any person acting or purporting to act in the exercise of any power conferred by section 8(2) shall be guilty of an offence and liable on conviction to a fine not exceeding level 5 on the Alderney uniform scale.]

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**NOTE**

*Section 8G was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**[Service of notices.]**

**8H.** (1) Any notice or document to be served for the purposes of this Law it may be served –

- (a) on an individual, by being delivered to him, or by being left at, or sent by registered post or recorded delivery service to, his usual or last known place of abode,

- (b) on a body corporate with a registered office in the Island, by being left at, or sent by registered post or recorded delivery service to, the registered office,
- (c) on a body corporate without a registered office in the Island, by being left at, or sent by registered post or recorded delivery service to, the body's principal or last known principal place of business in the Island,
- (d) on an unincorporated body, by being served on any partner, manager or other similar officer thereof in accordance with paragraph (a), or by being left at, or sent by registered post or recorded delivery service to, the body's principal or last known principal place of business in the Island,
- (e) on the Board or the Chairman thereof, by being left at, or sent by registered post or recorded delivery service to, the States Office.

(2) If service of a notice or document cannot, after reasonable enquiry, be effected in accordance with subsection (1), the notice or document may be served by being –

- (a) published in the Alderney Official Gazette, and
- (b) affixed to the notice board outside the Court House.

(3) If a person upon whom a notice or document is to be served under this Law is an infant or person under guardianship, the notice or document shall be served on his guardian; and if there is no guardian, the States may apply to the

Court of Alderney for the appointment of a person to act as guardian for the purposes of this Law.

(4) Subsections (1) and (2) are without prejudice to any other lawful method of service.]

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## NOTES

*Section 8H was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

*In accordance with the provisions of the Age of Majority (Alderney) Law, 2001, section 1(1), section 1(3) and section 3, with effect from 14th December, 2001 and subject to the transitional and savings provisions in section 1(5) of, and the Schedule to, the 2001 Law, the reference in this section to an "infant" shall be construed as a reference to a "minor", that is to say a person under the age of 18 years.*

*In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the references in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.*

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## **[Interpretation.]**

**8I.** In sections 8 to 8E –

**"land"** includes houses and buildings,

**"owner"**, in relation to any land, means –

- (a) where the land is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour the order has been made,



- (b) where the land is not the subject of such saisie proceedings but is the subject of a vested right of usufruct, the usufructuary,
- (c) where the land is not the subject of such saisie proceedings or vested right of usufruct –
  - (i) where the land is held in trust, the trustees and the cestui que trust, or
  - (ii) where the land is not held in trust, the person in whom there is for the time being vested, whether solely or jointly with another person, an estate of inheritance therein.]

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**NOTE**

*Section 8I was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 1, with effect from 17th August, 1999.*

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**Notice to be given to [General Services Committee].**

**9.** Before the Board open or break up any public way, sewer, drain, or tunnel, they shall give at least seven clear days previous notice in writing to the President of the States [General Services Committee] of their intention of so doing:

PROVIDED 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.

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**NOTES**

*In section 9, and in the marginal note thereto, the words in square brackets were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997.*

*The functions of the States Committee for Public Works under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 5, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

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**Owner may request Board to lay pipes, etc.**

10. On a request in that behalf to the Board from the owner of any property, the Board may, upon such terms and conditions as may be agreed between the Board and such owner, extend or lay and fix pipes and apparatus for the purpose of affording a supply of water to such property.

**Fire Hydrants.**

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 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.

**Cleansing of sewers, etc.**

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 –

- (a) for cleansing the sewers and drains and public sanitary conveniences,

- (b) 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 for interruptions of supply.]**

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

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**NOTE**

*Section 12A was inserted by the Alderney Water Supply (Amendment) Law, 1999, section 3(1), with effect from 17th August, 1999.*

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**Extinguishing of fires.**

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

**[Supply of water and charges therefor.]**

**14.** (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 purposes subject to the provisions of any Ordinance for the time being in force under the provisions of this section.

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

section.

(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 under the provisions of this section may make different provisions –

- (a) for the manner in which the supply of water, or the charges for the supply of water, by the Board for different purposes or cases or in different circumstances 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 or cases or in different circumstances,
- (c) for such other terms and conditions which are to be

applicable to the supply of water by the Board for different purposes or cases or in different circumstances.

(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 section 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 of the States of Deliberation.

(6) Any Order made under this section shall be published in the Alderney Official Gazette as soon as possible after being made; but a failure to comply with this subsection shall not invalidate the order.]

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#### **NOTES**

*Section 14 was substituted by the Alderney Water Supply (Amendment) Law, 1999, section 2, with effect from 17th August, 1999.<sup>1</sup>*

*The following Ordinance has been made under section 14:*

*States Water Supply (Rates of Charge) (Alderney) Ordinance, 2019.*

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#### **[Fixing meter to existing supply.]**

**14A.** Where water is supplied to any premises under this Law at any rate other than a rate by measure the Board may, at any time upon giving not less than one month's notice in writing in that behalf to the owner or occupier of such premises, enter upon such premises and fix a meter therein for the purpose of supplying water thereto at a rate by measure and thereupon the rate by measure applicable to the supply of water to such premises in accordance with the provisions of [any Ordinance for the time being in force under] section fourteen of this Law shall apply thereto.]

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**NOTES**

*Section 14A was inserted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(c), with effect from 5th June, 1974.*

*In section 14A, the words in square brackets were inserted by the Alderney Water Supply (Amendment) Law, 1999, section 3(2), with effect from 17th August, 1999.*

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**[Water which must not be used for domestic purposes.]**

**14B.** Water supplied by the Board by measure other than for domestic uses or water supplied at an agreed rate shall not be used for domestic purposes.]

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**NOTE**

*Section 14B was inserted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(c), with effect from 5th June, 1974.*

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**Water for business and other purposes.**

**15.** The rates mentioned in subsection (1) of the last preceding section shall not apply in the case of water supplied for cattle, or for horses, or for washing vehicles, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains, or for any ornamental purposes, or for the use or purpose of an hotel, boarding-house, hospital, workhouse, school, mental hospital or public institution, the rates for which purposes are provided for in subsection (2) of the said section.

In all cases where a constant supply of water is provided, taps available for drawing water for drinking or cooking 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 staircase, or outside any premises without 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 fourteen days of the receipt by him of an order to that effect from the Board.

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**NOTE**

*In section 15, the phrase "The rates mentioned in subsection (1) of the last preceding section ..." refers to section 14 of this Law, as originally enacted.*

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**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.

**Supply by Measure.**

17. ...

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**NOTE**

*Section 17 was repealed by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(d), with effect from 5th June, 1974.*

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**Unlawful use of water.**

18. 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 liable to pay to the Board such sum as the Court shall award for each day on which the offence has been committed, and in addition shall be liable [to a fine not exceeding [level 1 on the Alderney uniform scale] and to a further fine not exceeding five pounds for every day during which the

offence continues after conviction thereof] for such offence, unless in the case of waste as aforesaid, he shall satisfy the Court that such waste occurred without his knowledge.

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## NOTES

*In section 18,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(e), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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### **Penalty for contravention of Law.**

19. 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, etc.**

20. 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 cost of such repair shall be repaid to them by the person so allowing the same to be out of repair.

### **Meters.**

21. [ Notwithstanding the provisions of section fourteen A of this Law 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.

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**NOTE**

*In section 21, the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(f), with effect from 5th June, 1974.*

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**Inspection of meters, etc.**

22. Any person authorised in writing in that behalf by the Board may, between the hours of ten in the forenoon and four in the afternoon, enter into any house, building or premises in which any meters of the Board 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 any persons so authorised from time to time between the hours aforesaid to enter any house, building or premises for the purpose of removing and carrying away any such meter, pipes, fittings or other apparatus being the property of the Board.

**Inspection of pipes, etc.**

23. Any person authorised in writing in that behalf by the Board may, between the hours of ten in the forenoon and four in the afternoon, enter into any premises 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 any person so authorised at any such time be refused admittance into such premises, for the purposes mentioned in this or the preceding section, or be prevented from making such examination as aforesaid, the Board shall have the right to cut off the water from such house or building.

Every person so authorised shall, when required to do so, produce his authority so as to be easily recognised as being authorised by the Board.

**Cost of supplying pipes, accessories and meters.**

24. The cost of supplying pipes and accessories for use on any property shall be borne by the owner 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.**

25. (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 subsection, 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 charge does not exceed the cost calculated under the provisions of the last preceding subsection.

(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 section shall apply only to service pipes and fittings provided for the purpose of domestic user.

**Payment of water rates.**

26. The water rates payable under the provisions of section fourteen hereof shall be paid by quarterly payments at Lady Day, Midsummer Day, Michaelmas Day and Christmas Day, 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.

**Non-payment.**

27. If any person supplied with water by the Board or liable to pay the water rates as aforesaid neglects to pay such water rates within fourteen 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 water rates are 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 rates but the expenses incurred in cutting off the water.

**Owner of tenements liable.**

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

**Ordinances.**

29. The States may make provisions, by Ordinance, for the purpose of preventing waste, undue consumption, misuse, or contamination of water, and may by such Ordinance prescribe the size, nature, workmanship and strength, and the 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 may forbid any materials or any arrangements and the use of any water fittings which may tend to waste or cause undue consumption, misuse, erroneous measurement or contamination.

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**NOTE**

*The following Ordinances have been made under section 29:*

*Water Supply (Alderney) Ordinance, 1955;  
Alderney Water (Restrictions) Ordinance, 1976;  
Alderney Water (Restriction) (Amendment) Ordinance, 1991;  
Alderney Water (Restrictions) (Amendment) Ordinance, 1992.*

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**Discontinuance of supply.**

**30.** 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 month at least before quarter day, in default of which the consumer shall be liable for the payment of the water rates for the quarter next ensuing.

**Taking of water by unauthorised persons.**

**31.** Every owner 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 liable, on conviction, [to a fine not exceeding [level 1 on the Alderney uniform scale] and to a further fine not exceeding five pounds for every day during which the offence continues after conviction thereof].

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**NOTES**

*In section 31,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(g), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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### **Unlawful taking of water.**

**32.** 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 liable, on conviction, [to a fine not exceeding [level 1 on the Alderney uniform scale] and to a further fine not exceeding five pounds for every day during which the offence continues after conviction thereof].

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### **NOTES**

*In section 32,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(h), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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### **Public fountains, etc.**

**33.** 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 liable on conviction, [to a fine not exceeding [level

1 on the Alderney uniform scale] and to a further fine not exceeding five pounds for every day during which the offence continues after conviction thereof].

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## NOTES

*In section 33,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(i), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.*

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### **Damage to reservoirs fittings, etc.**

**34.** Any person who shall wilfully break or injure any lock, engine, pump, cock, valve, pipe or other fitting under the 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 liable, on conviction, [to a fine not exceeding [level 4 on the Alderney uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment].

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## NOTES

*In section 34,*

*the words in square brackets were substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(j), with effect from 5th June, 1974;*

*the words in square brackets within the square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.*

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### **Liability for charges.**

35. Subject to the provisions of section twenty-eight of this Law, the sum due to the Board for the water supplied by them shall be paid by, and recoverable from, the person requiring or receiving it, or using the supply of water.

**Houses supplied by common pipe.**

36. 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 for the payment of the same rates for the supply of water as they would have been liable for 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.

**Private water supplies.**

37. Nothing in this Law shall affect the right of owners or occupiers of land or quarries from laying pipes or constructing drains or water courses for the purpose of drawing off water from such land or quarries:

PROVIDED that the water so drawn off shall in no case be sold.

**Board to be sole supplier.**

38. (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 section shall not have effect as regards the laying, repair and renewal of pipes elsewhere than in 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.

(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 apply to the Court and thereupon the Court, after hearing the application 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 of the provisions of this section shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale], and upon any such conviction, in addition to such fine, the Court 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.

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**NOTE**

*In section 38, the words and figure in square brackets in subsection (3) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(5), Schedule, with effect from 1st October, 1989.<sup>2</sup>*

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**Suspension of Board's obligations.**

**39.** (1) Until the States by Ordinance otherwise determine, pursuant to subsection (2) of this section, it shall not be obligatory upon the Board otherwise than in fulfilment of its obligations under sections eleven and twelve of this Law to extend, lay or fix pipes or apparatus for the purpose of affording a supply of water, or to supply water, in respect of any requisition or request made to the Board.

(2) The States may at any time by Ordinance terminate, as from a date specified in such Ordinance, the suspension provided for in subsection (1) of this section, of the obligations of the Board.

**[Variation and repeal of Ordinances.**

**39A.** Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.]



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**NOTES**

*Section 39A was inserted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(1), with effect from 5th June, 1974.*

*The following Ordinances have been made under section 39A:*

*States Water Supply (Rates of Charge) (Alderney) (Amendment) Ordinance, 2008;*

*States Water Supply (Rates of Charge) (Alderney) Ordinance, 2019.*

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**Commencement.**

**40.** This Law shall come into operation on the quarter day next following its registration on the Records of this Island.

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**NOTE**

*The Law was registered on the Records of the Island of Alderney on 2nd April, 1954.*

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**Citation.**

**41.** This Law may be cited as the Alderney Water Supply Law, 1954.

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<sup>1</sup> Prior to its substitution, section 14 was amended by the Alderney Water Supply (Amendment) Law, 1968, section 1, with effect from 5th November, 1968; and substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(b), with effect from 5th June, 1974.

<sup>2</sup> These words were previously substituted by the States Water Supply (Amendment) (Alderney) Law, 1973, section 1(k), with effect from 5th June, 1974.