

ORDER IN COUNCIL

**VIII
2010**

ratifying a Projet de Loi

ENTITLED

The Wastewater Charges (Guernsey) Law, 2009

(Registered on the Records of the Island of Guernsey
on the 5th August, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5th day of August, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall David McCathie, Esquires, and Margaret Ann Spaargaren, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 21st July, 2010, approving and ratifying a Projet de Loi entitled “The Wastewater Charges (Guernsey) Law, 2009”, THE COURT, after the reading of the said Order in Council and after having heard Crown Advocate Robert Titterington, Contrôle Délégué thereon, ORDERED that the said Order in Council be registered on the records of this Island.



At the Court at Buckingham Palace

THE 21st DAY OF JULY 2010

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 31st October 2007 and 11th February 2009, the States of Deliberation at a meeting on 9th December 2009 approved a *Projet de Loi* entitled the Wastewater Charges (Guernsey) Law, 2009 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Wastewater Charges (Guernsey) Law, 2009, and to order that it shall have force of law in the Island of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Island of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Wastewater Charges (Guernsey) Law, 2009

ARRANGEMENT OF SECTIONS

1. Wastewater charges payable.
2. Properties liable to charges.
3. Exemptions.
4. Persons liable to pay charges.
5. Calculation of Charge C.
6. Owner or occupier may request or require separate metered supply.
7. Inspections, measurements and tests.
8. Charges to be paid on service of account.
9. Review by Department of account.
10. Right of appeal.
11. Purposes to which wastewater charges may be put.
12. Charge B may lapse after 4 years.
13. Determination of property references and assessable units.
14. Service of documents.
15. Power to amend Law by Ordinance.
16. General provisions as to Ordinances.
17. Consequential amendments.
18. Interpretation.
19. Citation.
20. Commencement.

SCHEDULE: Wastewater charges

PROJET DE LOI

ENTITLED

The Wastewater Charges (Guernsey) Law, 2009

THE STATES, in pursuance of their Resolutions of the 31st October, 2007^a and of the 11th February, 2009^b, 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.

Wastewater charges payable.

1. Each charge specified in the Schedule is payable for each property liable to the charge by the person liable to that charge in accordance with this Law.

Properties liable to charges.

2. (1) The following properties are liable to the wastewater charges-
- (a) **metered property** - any property supplied with water by the Department by way of a metered supply, and
 - (b) **unmetered chargeable property** - any property, other than a metered property, that -

^a Article I of Billet d'État No. XXI of 2007.

^b Article XIV of Billet d'État No. II of 2009.

- (i) falls within property reference B1.1, B1.2, B2.1, B2.2, B3.1 or B3.2 in Part I of Schedule 1 to the TRP Ordinance, or
- (ii) is of a kind or description prescribed by the States by Ordinance.

(2) Where -

- (a) any metered property, or
- (b) any unmetered chargeable property supplied with water by the Department otherwise than by measure,

is supplied with water by the Department by way of 2 or more pipes that enter the boundary of the property and are each connected to a main, that property is liable to a corresponding multiple of Charge A and Charge B.

(3) This section is subject to section 3.

Exemptions.

3. (1) A metered property that has neither a drain to a public sewer nor a drain to a cesspool is -

- (a) in the case of a non-domestic property that also has no drain to a septic tank, exempt from all wastewater charges, and
- (b) in the case of a domestic property, exempt from Charge C.

(2) An unmetered chargeable property is exempt from all wastewater charges if -

- (a) it is supplied with water by way of a pipe leading from a metered property, and
- (b) it is not a property supplied with water by the Department otherwise than by measure.

(3) An unmetered chargeable property that is not exempt from wastewater charges under subsection (2) is exempt from Charge C if it has neither a drain to a public sewer nor a drain to a cesspool.

(4) Where, under section 4, the same person is liable to pay wastewater charges in respect of one or more properties shown on a single cadastral map (and sharing a single Cadastre number), that property, or, as the case may be, the aggregate of those properties, is exempt from any more than a single multiple of Charge B -

- (a) regardless whether any other person is also liable (for example, in the case of joint liability) to pay wastewater charges in respect of that property or, as the case may be, any of those properties,
- (b) regardless of the number of pipes that supply that property or, as the case may be, those properties from a main, and
- (c) despite any other provision of this Law.

(5) Where, under subsection (4), an aggregate of properties is exempt from any more than a single multiple of Charge B, Charge B shall be divided equally amongst each of those properties and payable accordingly.

(6) For the avoidance of doubt, nothing in subsection (4) limits or otherwise affects the liability of the property or any of the properties referred to in that subsection to Charge C, and the appropriate multiples of Charge A, in accordance with this Law and subject to any exemption under subsection (1), (2) or (3).

(7) The burden of proving that a property is exempt from any wastewater charge under any of subsections (1) to (4) falls on the person claiming the exemption.

(8) Nothing in this section limits or otherwise affects any civil liability or obligation of any person to make any payment in respect of wastewater charges.

(9) In this section "**civil liability or obligation**" means a liability or obligation that arises by agreement or contract, or otherwise than directly under this Law.

Persons liable to pay charges.

4. (1) Subject to subsection (2), the person liable to pay the wastewater charges for a property -

- (a) in the case of a metered property, is the person liable to pay the water charges in respect of the metered water,

- (b) in the case of an unmetered chargeable property supplied with water by the Department otherwise than by measure, is the person liable to pay the water charges in respect of the water, and
- (c) in the case of any other unmetered chargeable property, is the owner of the property.

(2) If two or more persons are liable to pay a wastewater charge in respect of a property, their liability to the charge is joint and several.

(3) In this section, "**owner**", in relation to any property, has the meaning given by section 29(1) of the Sewerage (Guernsey) Law, 1974^c (substituting, for the word "premises", the word "property").

Calculation of Charge C.

5. (1) Charge C shall be calculated as follows -

- (a) for a metered property, Rate 1 x (0.9 x volume of metered water in cubic metres), and
- (b) for an unmetered chargeable property, Rate 2 x (number of assessable units of that property as determined under the TRP Ordinance).

^c Ordres en Conseil, Vol. XXIV, p. 372.

(2) Despite subsection (1)(a), any person liable to pay Charge C for a non-domestic metered property may, in writing, ask and agree with the Department to pay a reduced amount in respect of Charge C, if he can show to the Department's satisfaction that no more than 85 % of metered water by volume is, in aggregate, discharged to a public sewer, cesspool or septic tank.

(3) A reduced amount agreed under subsection (2) shall be calculated -

- (a) on the basis that the 0.9 multiplier in subsection (1) (a) reflects the presumption that 90% of metered water in respect of the property is, in aggregate, discharged to a public sewer, cesspool or septic tank, and
- (b) making an appropriate allowance for the percentage volume of metered water that is not so discharged, averaged over a period of 3 months or any other period agreed between the person making the request and the Department.

(4) An agreement under subsection (2) is subject to -

- (a) any conditions agreed between the person referred to in that subsection and the Department, and
- (b) any conditions prescribed by the States by Ordinance,

(5) For the avoidance of doubt, a nil amount may be agreed under subsection (2), if it is shown to the Department's satisfaction that none of the metered water is discharged to a public sewer, cesspool or septic tank.

(6) Unless the Department has agreed in writing to a reduced amount under subsection (2), it shall be taken to have refused a request made under that subsection upon the earlier of -

- (a) giving the requestor written notice of the Department's refusal, or
- (b) the expiry of 6 months from the date of the request.

(7) On or before the refusal of a request, the Department shall serve the requestor a notice in writing stating that the requestor or any other person aggrieved by that refusal may appeal against that refusal in accordance with section 10 within a period of 28 days after the date of that refusal.

(8) In this section -

"discharged" means discharged through any drain, and

"Rate 1" and **"Rate 2"** refers to the respective rate specified in paragraph (c) of the Schedule.

Owner or occupier may request or require separate metered supply.

6. Nothing in section 5 limits or otherwise affects the right of any owner or occupier of a property to ask or require the Department to provide a metered supply to any part of that property, in accordance with, and subject to any charges imposed by or under, the States Water Supply Laws (including, for the avoidance of doubt, charges for the installation of a meter and for the cost of extending, laying or fixing pipes and apparatus).

Inspections, measurements and tests.

7. (1) Any person authorised in writing by the Department may, on producing his written authorisation if requested, enter any property at any time between 10 a.m. and 4 p.m. of any day for any purpose specified in subsection (3).

(2) A person entering a property under subsection (1) may, for any purpose specified in subsection (3) -

(a) carry out inspections, measurements and tests on the property, drains, water fittings, drain fittings, other things, wastewater or any other kind of water found on the property, and

(b) without limiting paragraph (a), take away or photograph any samples of land, drains, water fittings, drain fittings, other things, wastewater or any other kind of water found on the property.

(3) Subsections (1) and (2) refer to the following purposes -

(a) to determine whether the property or any other property is exempt, or continues to be exempt, from any wastewater charge under this Law,

(b) to determine the percentage volume of metered water that is, or is not, discharged to a public sewer, cesspool or septic tank from the property or any other property, for the purposes of section 5(2) to (5), or

- (c) any other purpose connected with the enforcement or implementation of this Law.

(4) Nothing in this section limits or otherwise affects any rights or powers of the Department conferred by or under any condition referred to in section 5(4).

Charges to be paid on service of account.

8. (1) A person liable to pay a wastewater charge in respect of any property shall pay the charge in the manner and at such times and intervals required by the Department by a written account served on the person.

(2) An account under subsection (1) shall include the following information -

- (a) the charge due and payable by the person,
- (b) the period within which that charge must be paid, not being less than 14 days after the date of the account,
- (c) the property and period of time for which that charge is payable,
- (d) the calculations made and rates used (if any) in determining that charge, and
- (e) a statement that that person or any other person aggrieved by the account may at any time -
 - (i) request the Department in writing to formally

review the account under section 9, and

- (ii) make written and oral representations to the Department for the purposes of the review.

(3) The Department may recover a charge payable by any person under this section as a civil debt due and payable by the person to the Department.

(4) Where water charges and wastewater charges are set out in the same bill or other account, and the person paying that account pays less than the total of all those charges, the payment made shall be credited to the water charges (unless the Department decides otherwise) until those charges are fully paid, before any amount left over is credited to the wastewater charges.

Review by Department of account.

9. (1) If any person referred to in section 8(2)(e) requests the Department in writing to formally review an account, the Department shall review the account taking into account any representations made by the person.

(2) Within 28 days of a written request to formally review an account, the Department shall -

- (a) confirm or vary that account, or revoke it and issue a new account (without the statement required by section 8(2)(e)), and
- (b) serve on that person a notice in writing stating -
 - (i) the Department's decision and the reasons for it,

- (ii) that that person or any other person aggrieved by the decision may appeal that decision in accordance with section 10 within a period of 28 days after the date the notice is served, and
- (iii) that if that person does not make an appeal in accordance with subparagraph (ii), that decision (and the confirmed, varied, or re-issued account) is final and conclusive.

(3) Without limiting its scope, a review of an account may, at the request of the person asking for the review, include a review of all or any of the following -

- (a) the amount of the charge specified in the account,
- (b) whether the person on whom the account is served (as opposed to someone else) is liable to that charge,
- (c) whether the property specified in that account is liable to that charge, or exempt from it.

(4) For the avoidance of doubt, nothing in this section -

- (a) precludes an informal review or examination of the account by an officer, employee or agent of the Department, before a request is made for a formal review of the account under this section, or

- (b) limits or otherwise affects any person's liability or obligation to pay water charges.

Right of appeal.

10. (1) This section applies where the Department -

- (a) has refused to agree on a reduced amount for Charge C under section 5, or
- (b) has notified its decision following a review of an account under section 9.

(2) Where this section applies, any person aggrieved by the refusal referred to in subsection (1)(a) or, as the case may be, the decision referred to in subsection (1)(b), may appeal that refusal or decision to the Royal Court in accordance with this section.

(3) An appeal against a refusal or a decision may be made on any of the following grounds -

- (a) the refusal or decision was *ultra vires* or there was some other error of law,
- (b) the refusal or decision was unreasonable,
- (c) the refusal or decision was made in bad faith,
- (d) there was a lack of proportionality, or

(e) there was a material error as to the facts or as to the procedure.

(4) An appeal must be made -

(a) within a period of 28 days after -

(i) the date of the refusal, in the case of an appeal against a refusal, or

(ii) the date on which notice of the decision was served under section 9(2)(b), in the case of an appeal against a decision, and

(b) by summons served on the Department stating the grounds and material facts on which the appellant relies.

(5) At the appellant's request, the Court may suspend or modify, on such terms and conditions as the Court thinks just -

(a) the effect of the refusal,

(b) the effect of the decision, and

(c) for the avoidance of doubt, any liability that arises directly under this Law to pay an account issued by the Department for wastewater charges.

(6) On an appeal, the Department may apply to the Court, by

summons served on the appellant, for an order that the appeal be dismissed for want of prosecution; and on hearing the application the Court may -

- (a) dismiss the appeal or the application (in either case on such terms and conditions as the Court may direct), or
 - (b) make such other order as the Court considers just.
- (7) On determining an appeal, the Court may -
- (a) set the refusal or the decision in question aside and, if the Court considers it appropriate to do so, remit the matter to the Department with such directions as the Court thinks fit, or
 - (b) confirm that refusal or decision, in whole or in part.
- (8) An appeal from a decision of the Court under this section lies to the Court of Appeal on a question of law.

(9) Subsection (6) is without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007^d.

(10) In this section, "**Royal Court**" or "**Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats; and for the purposes of an appeal under this section the Court may

^d Order No. IV of 2007.

appoint one or more assessors to assist it in the determination of any matter before it.

Purposes to which wastewater charges may be put.

11. (1) All wastewater charges payable under this Law shall be paid to the Department and used in accordance with this section.

(2) The Department shall use the monies collected in respect of Charge A and Charge C to help offset the costs (including fixed costs) of running the public sewerage network.

(3) The Department shall use the monies collected in respect of Charge B to fund investigations into wastewater treatment options for the Island.

(4) Nothing in this section precludes the Department -

(a) using an agent to collect one or more of the wastewater charges, or

(b) whether or not an agent is used, deducting a reasonable part of the monies collected to offset the costs of collecting those charges.

Charge B may lapse after 4 years.

12. Unless it is renewed or extended by a resolution or Ordinance of the States, Charge B lapses on the fourth anniversary of this Law coming into force.

Determination of property references and assessable units.

13. (1) Where, under any provision of this Law, it is necessary to

determine -

- (a) whether a property falls within a property reference in Part I of Schedule 1 to the TRP Ordinance, or
- (b) the number of assessable units of any property under that Ordinance,

the determination of the States of Guernsey Treasury and Resources Department in force under the TRP Ordinance at the relevant point in time is conclusive as to the matter.

(2) Subsection (1) is subject to the outcome of any review or appeal under the TRP Ordinance.

Service of documents.

14. (1) Any document to be served for the purposes of this Law is validly served, in the case of an individual or body, by being left at, or sent by post to, the address of the individual or body for the time being notified to the Department as the address for service, or, if there is no such address -

- (a) in the case of an individual, by being delivered to him or by being left at, or sent by post to, his usual or last known place of abode,
- (b) in the case of a body corporate with a registered office in the Island, by being left at, or sent by post to, that office,
- (c) in the case of a body corporate without a registered

office in the Island, by being left at, or sent by post to, its principal or last known principal place of business in the Island or, if there is no such place, its registered office or principal or last known principal place of business elsewhere,

- (d) in the case of an unincorporated body -
 - (i) by being served on any partner, member, manager, director or other similar officer thereof at the address for the time being notified to the Department as the address for service to him, or, if there is no such address, in accordance with paragraph (a), or
 - (ii) by being left at, or sent by post to, the body's principal or last known principal place of business in the Island or, if there is no such place, its principal or last known principal place of business elsewhere, and
- (e) in the case of the Department, by being left at, or sent by post to, its principal offices in the Island.

(2) If a person on whom a document is to be served for the purposes of this Law is an infant or person under guardianship, the document shall be served on his guardian; and, if there is no guardian, the Department may apply ex parte to the Royal Court for the appointment of a person to act as guardian for the purposes of this Law.

(3) If service of a document cannot, after reasonable enquiry, be effected in accordance with this section, the document may be served by being published on two occasions in La Gazette Officielle.

(4) Subsections (1) to (3) are without prejudice to any other lawful method of service.

(5) Where two or more persons are liable to pay wastewater charges for any property, service of a document on one of them in accordance with the provisions of this section is deemed, for the purposes of this Law, to be service on all of them.

(6) No document to be served on the Department under this Law shall be deemed to have been served until it is received.

(7) A document sent by post shall, unless the contrary is shown, be deemed for the purposes of this Ordinance to have been received -

(a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting, and

(b) in the case of a document sent elsewhere by airmail, on the seventh day after the day of posting,

excluding in each case a day that is not a business day.

(8) Service of a document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(9) Without prejudice to any other provision of this section, a document relating to any property in the Island which is to be served for the purposes of this Law on the owner or occupier of that property may be served -

- (a) by being left at, or sent by post to, that property, or
- (b) where the foregoing is impracticable, by being affixed to some conspicuous part of or about that property.

(10) If the name of the owner or occupier of any property on whom a document is to be served for the purposes of this Law cannot after reasonable inquiry be ascertained, the document may be served by addressing it to the person on whom it is to be served by the description of "owner" or "occupier" of the property (describing it) to which the document relates.

(11) In this section -

"business day" means any day other than -

- (a) a Saturday, a Sunday, Christmas Day or Good Friday, or
- (b) a day appointed as a public holiday by Ordinance of the States of Deliberation under section 1(1) of the Bills of Exchange (Guernsey) Law, 1958^e;

^e Ordres en Conseil Vol. XVII, p. 384; vo. XXIV, p. 84; No. XI of 1993; and No. XIV of 1994.

"by post" means by registered post, recorded delivery service or ordinary letter post; and

"serve" includes "give"; and cognate expressions shall be construed accordingly.

Power to amend Law by Ordinance.

15. (1) The States may by Ordinance amend all or any of the following provisions of this Law, in relation to the subject matter specified for the relevant provision -

- (a) section 3, in relation to exemptions from wastewater charges,
- (b) section 4, in relation to the persons liable to pay wastewater charges,
- (c) section 5, in relation to the calculation of Charge C,
- (d) section 11, in relation to the uses to which wastewater charges may be put, and
- (e) section 14, in relation to service of documents.

(2) Nothing in subsection (1) limits or otherwise affects any other provision of this Law conferring power to make Ordinances.

General provisions as to Ordinances.

16. (1) An Ordinance under this Law -

- (a) may be amended or repealed by a subsequent Ordinance made under this Law, and
 - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, consequential amendments to this Law and any other enactment).
- (2) Any power conferred by this Law to make an Ordinance may be exercised -
 - (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
 - (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases, or different provision for the same case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions, or
- (iv) different provision for different classes, descriptions and categories of properties, persons, or charges.

(3) Without prejudice to the generality of subsections (1) and (2), an Ordinance under this Law -

- (a) may make provision under the powers conferred by this Law notwithstanding the provisions of any other enactment for the time being in force,
- (b) may empower the Department, and any other person, body, authority or department (including, without limitation, the Royal Court and any other court of the Island), to make subordinate legislation, codes or guidance as to matters in relation to which an Ordinance may be made under this Law,
- (c) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
- (d) without prejudice to the generality of paragraphs (a) to (c), may make any such provision of any such extent as might be made by Projet de Loi.

Consequential amendments.

17. (1) The definition of "fee" in section 6(1) of the Fees, Charges

and Penalties (Guernsey) Law, 2007^f is amended by inserting, after the word "States", the words "or any rate to be used in the calculation of such a charge, penalty or other amount".

(2) Part A of the Schedule to the Fees, Charges and Penalties (Guernsey) Law, 2007^g is amended by inserting, after the entry relating to the Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000^h, the following entry -

"Wastewater Charges (Guernsey) Law, 2009	Charge A and Charge B of the wastewater charges; Rate 1 and Rate 2 specified in the Schedule for the purposes of calculating Charge C	Public Services Department"
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(3) The amendment made by subsection (2) shall be regarded for all purposes as if it is effected by Ordinance made by the States under section 1(2) of the Fees, Charges and Penalties (Guernsey) Law, 2007ⁱ.

Interpretation.

18. (1) In this Law, unless the context requires otherwise -

"**account**" means an account for wastewater charges;

"**assessable unit**" has the meaning given by section 2 of the TRP

^f Order in Council No. VII of 2008.

^g Order in Council No. VII of 2008.

^h Order in Council No. V of 2000.

ⁱ Order in Council No. VII of 2008.

Ordinance;

"**cesspool**" means a pool or pit that collects wastewater from one or more properties where it is held until such time as it can be removed for treatment or disposal through the public sewerage network;

"**Charge A**", "**Charge B**", and "**Charge C**" refers to the respective charge specified in the Schedule;

"**Department**" means the States of Guernsey Public Services Department;

"**document**" means any notice or account, but excludes a summons;

"**domestic**", in relation to a property, refers to a property that is not a non-domestic property;

"**drain**", in relation to a property -

- (a) means a channel, conduit or pipe running from the property and used for the conveyance of wastewater from the property, and
- (b) includes a drain shared with, or running through, any other property;

"**enactment**" means any Law, Ordinance or subordinate legislation;

"**Island**" means the island of Guernsey;

"**this Law**" includes any Ordinance or subordinate legislation made under it;

"**main**" means a pipe vested in the Department and used by the Department for the purpose of making a general supply of water available to customers of the Department (as opposed to the purpose of providing a supply to a particular property);

"**metered property**" means property of the kind described in section 2(1)(a);

"**metered supply**", in relation to a property, means a pipe that -

- (a) enters the boundary of the property,
- (b) is connected to a main, and
- (c) is fitted with a meter to measure and charge for the quantity of water supplied from the main;

"**metered water**", in relation to a metered property, means the water supplied by the Department to the property by way of the metered supply;

"**non-domestic**", in relation to a property, refers to a property falling within any property reference between B4.1 to B12.1, or L1.1 to L5.1 (inclusive of all those references) in Part I of Schedule 1 to the TRP Ordinance;

"**property**" means any particular land, building or other property that-

- (a) is immovable property under the law of the Island; and
- (b) has been or is eligible to be allocated a separate property reference under the TRP Ordinance;

and, for the avoidance of doubt, a land parcel, a multi-sided building or a cluster of buildings may each contain two or more properties, and two or more properties may be shown on the same cadastral map (and share the same Cadastre number);

"**public sewer**" has the meaning given by section 5 of the Sewerage (Guernsey) Law, 1974^j;

"**public sewerage network**" means the system of collectors, pipelines, conduits and pumps maintained by the Department to conduct wastewater from the point of generation to the place of disposal or treatment;

"**serve**", in relation to a document, has the meaning given by section 14; and cognate expressions shall be construed accordingly;

^j Ordres en Conseil, Vol. XXIV, p. 372,

"States Water Supply Laws" means the States Water Supply Laws, 1927 to 1997^k and includes the Water Charges Ordinance, 1991^l;

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect;

"TRP Ordinance" means the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007^m;

"unmetered chargeable property" means property of the kind described in section 2 (1) (b);

"wastewater" means -

- (a) water that has been used, for example for drinking, washing, cleaning, bathing or flushing, or
- (b) water supplied to a property, whether by the Department or otherwise, even if that water has not been used;

^k Ordres en Conseil Vol. VIII, p. 112, as amended by Ordres en Conseil Vol. XI, p. 236; Vol. XV, p. 272; Vol. XXVI, p. 536; Vol. XXX, pp. 118 and 219; and Vol. XXXIII, p. 133;

^l Recueil d'Ordonnances, Tome XXV, p. 287, as amended by Recueil d'Ordonnances, Tome XXIX, p. 594.

^m Recueil d'Ordonnances, Tome XXXII, p. 504, as amended by Ordinance No. X of 2008.

"**wastewater charge**" or "**charge**" means a charge referred to in section 1 and specified in the Schedule; and

"**water charges**", in respect of any property, means charges imposed by or under the States Water Supply Laws for the supply of water to the property by the Department.

(2) Unless the context requires otherwise, references to any enactment are references thereto as amended, varied, re-enacted (with or without modification), extended or applied.

Citation.

19. This Law may be cited as the Wastewater Charges (Guernsey) Law, 2009.

Commencement.

20. This Law comes into force on a date to be specified by the States by Ordinance.

K.H. TOUGH,
Her Majesty's Greffier.

Sections 1, 5, and 18(1)

SCHEDULE

WASTEWATER CHARGES

- (a) **Charge A:** £30 per year for each property, or, where section 2(2) applies, for each pipe referred to in that section.
- (b) **Charge B:** £50 per year for each property, or, where section 2(2) applies, for each pipe referred to in that section.
- (c) **Charge C:** calculated in accordance with section 5, using -

Rate 1	-	£0.61
Rate 2	-	£0.13.

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