

ORDER IN COUNCIL

XIII

1948

Ratifying a Projet de Loi entitled

“The Sewerage (Guernsey) Law, 1948”.

(Registered on the Records of the Island of Guernsey on
the 28th day of August, 1948.)



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1948.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 28th day of August, 1948, before Quartier Le Pelley, Esquire, Lieutenant Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, James Frederick Carey, Arthur Falla, Pierre de Putron, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 5th day of August, 1948, ratifying a *Projet de Loi* entitled "The Sewerage (Guernsey) Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller, 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 5th day of August, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.

VISCOUNT HALL.

MR. CHANCELLOR OF THE EXCHEQUER.

MR. KEY.

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 29th day of July, 1948, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1.—That, in pursuance of their Resolutions of the 4th day of July, 1945, and the 4th day of February, 1948, the States of Deliberation at a meeting held on the 30th day of June, 1948, approved a Bill or “Projet de Loi” entitled “The Sewerage (Guernsey) Law, 1948” 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 Sewerage (Guernsey) Law, 1948,” and to order and direct 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.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the

advice of His 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 HIS 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 His 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.

E. C. E. Leadbitter.

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

PROJET DE LOI

ENTITLED

"The Sewerage (Guernsey) Law, 1948".

THE STATES, in pursuance of their Resolutions of the 4th day of July, 1945, and the 4th day of February, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island:—

Repeals.

1. The enactments set out in the Schedule to this Law are hereby repealed:

PROVIDED ALWAYS that nothing in this repeal shall

(a) affect the previous operation of the said enactments hereby repealed, or anything done or suffered thereunder; or

(b) affect any liability or penalty incurred thereunder; or

(c) affect any legal proceeding or remedy in respect of any such liability or penalty,

and any such legal proceeding or remedy may be instituted or continued, and any such penalty may be imposed as if the said repeal had not been enacted.

Vesting of
title to
sewers in
the States.

2. All right, title and interest to or in any public sewer now or hereafter situate in this Island shall be vested in the States of the Island of Guernsey.

Powers and
duties of
the
Committee.

3. Responsibility for the construction, reconstruction, alteration, repair, maintenance, cleansing and emptying of public sewers situate in this Island shall be vested in the Committee, and the Committee may undertake any works necessary for the execution of any of the duties so assigned to them.

4. (1) One quarter of the cost of repair or reconstruction of any public sewer other than the outfall thereof shall be borne by the owners of the buildings served by that sewer and paid by them to the States, and such costs shall be apportioned among such owners in proportion to the respective annual rateable values of the buildings concerned.

Contributions.

(2) The owner of any building beginning to be served after the date of commencement of this Law by a public sewer shall pay to the States a sum equal to one third of the annual rateable value of that building.

(3) In the case of any building served by a public sewer the annual rateable value of which has by reason of any enlargement or improvement increased since the date of commencement of this Law, or since the date of the beginning of such service, whichever is the later, the owner shall pay to the States a sum equal to one third of the amount of every such increase.

(4) All other expenses incurred in carrying out any of the work mentioned in section 3 of this Law shall be borne by the States.

(5) Payments made to the States under this section shall be made

- (i) in respect of buildings existing at the date of commencement of this Law, on their beginning to be served by a public sewer; and
- (ii) in respect of buildings constructed after that date, and in respect of such increases in rateable value as are envisaged by subsection (3) of this section, on their value, or increase of value, as the case may be, being entered on the Cadastre, or on their beginning to be served by a public sewer, whichever is the later date.

(6) For the purposes of this section, a glass-house shall be deemed not to be a building.

Collection of
contribu-
tions
from
property
owners.

5. The States Supervisor shall notify every person from whom any sum is due under section 4 of this Law of the amount due from him, which amount shall be payable within three months from the date of the notification. Any such person who shall fail or neglect within that period to pay the sum due from him shall be guilty of an offence, and shall be liable on summary conviction to a fine which shall not be less than ten shillings or more than two pounds.

Power of
the
Committee
to require
property
owners to
provide
connection
with
public
sewers.

6. The Committee may at any time, if they consider it necessary in the interests of public health, require the owner of any building, by written notice signed by the President of the Committee, to connect that building, to the satisfaction of the Committee, with a public sewer, and to make provision to the like satisfaction for drainage.

Penalty for
failure to
comply with
a notice
under
section 6.

7. If the owner of a building shall fail or neglect, within one month after receipt of the written notice referred to in the last preceding section, to comply to the satisfaction of the Committee with the terms of such notice, the Committee may themselves execute the work specified therein, and may recover the cost of such work from the owner of the building, who shall in addition be deemed to be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Compensa-
tion.

8. (1) The States shall make full compensation to any person who has suffered damage by reason of the exercise by the Committee of any of their powers under this Law in relation to a matter as to which he has not himself been in default.

(2) Where an owner of land claims compensation in respect of damage sustained by reason of the Committee having, in the exercise of their powers under this Law, constructed a sewer, the tribunal determining the amount of the compensation shall determine also by what amount, if

any, the value to the claimant of any land belonging to him has been enhanced by the construction of the sewer, and the Committee may set off that amount against the amount of any compensation awarded.

9. Prosecutions for a breach of any of the provisions of this Law shall be instituted and conducted in the like manner as prosecutions for the breach of any of the provisions of an Ordinance. Prosecutions.

10. In this Law the following expressions shall have the meanings hereby respectively assigned to them— Interpretation.

“annual rateable value” means the annual rateable value shown in the Cadastre from time to time in force;

“the Committee” means the Public Thoroughfares Committee;

“drainage” includes the conveyance of refuse water and the conveyance of rain water from roofs;

“owner” includes persons called, in the French language, ‘saisis d’héritage’ and ‘usufruitiers’

11. The Royal Court may make such Ordinances as it may deem necessary for the putting into execution of the provisions of this Law. Power of Royal Court to make Ordinances.

SCHEDULE.

Section 1

Repeals.

Loi relative aux Egouts Paroissiaux, registered on the Records of this Island on the 20th day of May, 1922.

Loi supplémentaire à la Loi relative aux Egouts Paroissiaux, registered on the Records of this Island on the 20th day of January, 1930.

JAMES E. LE PAGE,
H.M. Greffier.