

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The States Water Supply (Amendment) (Guernsey) Law, 1962

(Registered on the Records of the Island of Guernsey
on the 3rd day of July, 1962.)



1962.

IX
1962

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 3rd day of July, 1962, before William Henry Arnold, Esquire, C.B.E., Bailiff; present :— Sir John Leale, William Robert Freake Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Esquire, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad and Albert Victor Dorey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 23rd day of May, 1962, ratifying a *Projet de Loi* entitled "The States Water Supply (Amendment) (Guernsey) Law, 1962"—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 23rd day of May, 1962.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

LORD JOHN HOPE

LORD REA

MR. HARE

SIR CHARLES RUSSELL

SIR REGINALD MANNINGHAM-BULLER

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 17th May 1962, in the words following, viz.:—

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

- ‘1. That, in pursuance of their Resolution of the 13th December 1961, the States of Deliberation at a meeting held on the 4th April 1962, approved a Bill or “Projet de Loi” entitled “The States Water Supply (Amendment) (Guernsey) Law 1962” 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 States Water Supply (Amendment) (Guernsey) Law 1962” and to order that the same shall have the force of law in the Island of Guernsey.’

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

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

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

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

W. G. AGNEW.

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

PROJET DE LOI

ENTITLED

The States Water Supply (Amendment) (Guernsey) Law, 1962

THE STATES, in pursuance of their Resolution of the thirteenth day of December, nineteen hundred and sixty-one, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. Article nine of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les Etats de cette Ile aux Habitants de la dite Ile" registered on the Records of this Island on the seventh day of May, nineteen hundred and twenty-seven, is hereby repealed and the following Article substituted therefor:—

Amendment
to the Law
of 1927.

"Extension
of pipes for
affording
domestic
supplies.

9. (1) The Board shall extend or lay and fix pipes and apparatus for affording a supply of water for domestic purposes to any area if so required:—

(a) by such number of owners or occupiers in that area of properties the rateable values of which according to the General Cadastre of the Island are such that the amount of water rates payable annually in respect of such properties will, in the opinion of the Board, be, in the aggregate, not less than one-

eighth of the expense of extending, laying and fixing the necessary pipes and apparatus and such owners or occupiers agree severally with the Board to take a supply of water for three years at least;

- (b) by the owners or occupiers of other properties, or by the owners of land upon which it is proposed to erect buildings for which such a supply of water will be required, and such owners or occupiers of premises or owners of land undertake to pay in respect of each year a sum amounting to one-eighth of the expense of laying and fixing the necessary pipes and apparatus (less any amount received by the Board in respect of water supplied in that year, whether for domestic or non-domestic purposes, from such pipes) until the aggregate amount of water rates payable annually in respect of the properties and in respect of any other properties connected to such pipes, at the rates for the time being charged by the Board, equals or exceeds such annual sum or until the expiration of a period of twelve years, whichever first occurs:

PROVIDED ALWAYS that in the opinion of the Board:—

- (i) such extending, laying and fixing of pipes and apparatus is practicable

and can be effected at a reasonable cost, and

- (ii) the supply of water to such properties will not, having regard to existing obligations of the Board, adversely affect the supply of water, whether for domestic or non-domestic purposes, to existing consumers.

(2) In any case to which the provisions of paragraph (b) of subsection (1) of this Article relate the Board may in its discretion require as a condition of the extending, laying and fixing of the necessary pipes and apparatus the giving, in such manner as the Board shall think fit, of security (not exceeding in amount the total estimated cost of the work) for payment of monies liable to be paid by an owner or occupier and if such security is given by deposit of a sum of money shall pay interest thereon at such rate per annum as the States Advisory and Finance Committee may annually, in respect of each year, determine, and on request appropriate annually out of that sum any amount due under the undertaking given by the owner or occupier, as the case may be and when such undertaking is finally discharged repay, with any interest then due thereon, any balance remaining in the hands of the Board.

(3) Any person aggrieved by a decision of the Board made under the provisions of this Article may appeal therefrom to the Royal Court, sitting

as an Ordinary Court, on the grounds that the decision of the Board was ultra vires or was an unreasonable exercise of its powers.

(4) Any appeal shall be instituted by way of summons served on the President of the Board.”.

Repeals.

2. The States Water Supply (Temporary Provisions) Law, 1938, and the States Water Supply (Temporary Provisions) Amendment Law, 1949, are hereby repealed.

Citation and
collective
title.

3. This Law may be cited as the States Water Supply (Amendment) (Guernsey) Law, 1962, and this Law and the States Water Supply Laws, 1927 to 1958, may be cited together as the States Water Supply Laws, 1927 to 1962.

R. H. VIDELO,

Her Majesty's Greffier.