

ORDER IN COUNCIL

**II
2013**

ratifying a Projet de Loi

ENTITLED

The Sewerage (Guernsey) (Amendment) Law, 2012

(Registered on the Records of the Island of Guernsey
on the 7th January, 2013.)



2013

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

7th day of January, 2013 before Richard John Collas, Esquire, Bailiff; present:- Stephen Edward Francis Le Poidevin, Esquire, Barbara Jean Bartie, David Osmond Le Conte, John Ferguson, Esquires, Claire Helen Le Pelley, Peter Sean Trueman Girard, David Percy Langley Hodgetts LVO, Esquires, Constance Helyar-Wilkinson, Niall David McCathie, Esquire, Margaret Ann Spaargaren, David Allan Grut, Jonathan Grenfell Hooley, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 12th December, 2012 approving and ratifying a Projet de Loi entitled “The Sewerage (Guernsey) (Amendment) Law, 2012”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Procureur thereon, ORDERED that the said Order be registered on the records of this Island.

J TORODE
Her Majesty’s Greffier



At the Court at Buckingham Palace

THE 12th DAY OF DECEMBER 2012

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 Resolution of 1st February 2007, the States of Deliberation at a meeting on 26th September 2012 approved a *Projet de Loi* entitled the Sewerage (Guernsey) (Amendment) Law, 2012 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 Sewerage (Guernsey) (Amendment) Law, 2012, 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.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Sewerage (Guernsey) (Amendment) Law, 2012

THE STATES, in pursuance of their Resolution of the 1st February, 2007^a, 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.

Amendment of the 1974 Law.

1. The Sewerage (Guernsey) Law, 1974, as amended^b, is hereby amended as follows -

(a) in section 2(2), for the words from "notifying them of the Committee's proposal" to the end, substitute -

" -

(a) notifying them of the Committee's proposal to construct a public sewer,

(b) giving particulars of the right of appeal conferred by section 2A, and

^a Article VI of Billet d'État No. III of 2007.

^b Ordres en Conseil, Vol. XXIV, p. 372; Ordinance No. XXXIII of 2003 - there are other amendments not relevant to this Law.

- (c) notifying them of their right to claim compensation for damage in accordance with the provisions of section 21 of this Law in the event of the exercise by the Committee of its powers to construct such public sewer under the provisions of section 2(2).",

(b) immediately after section 2(2) insert the following additional subsection -

" (2A) A recommendation to the States for their approval under the provisions of subsection (1)(b) shall not be submitted until the expiration of the period specified in section 2A(2) or, where an appeal is instituted under section 2A, until the appeal has been determined by the Royal Court or withdrawn." , and

(c) immediately after section 2, insert the following section -

"Appeal against notice.

2A. (1) A person on whom notice is served pursuant to section 2(2) may appeal to the Royal Court ("the Court") against the decision of the Committee to propose the construction of the public sewer referred to in such notice on the grounds that -

- (a) the decision was ultra vires, or there was some other error of law,
- (b) the decision was unreasonable,

- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was material error as to the facts or as to the procedure.

(2) An appeal under this section shall be instituted, within 21 days immediately following the date of the notice under section 2(2), in accordance with section 24.

(3) On an appeal under this section, the Court may-

- (a) dismiss the appeal, or
- (b) quash the Committee's decision to propose the construction of such public sewer. " .

Citation.

2. This Law may be cited as the Sewerage (Guernsey) (Amendment) Law, 2012.

Commencement.

3. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

J. TORODE,
Her Majesty's Greffier.

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