

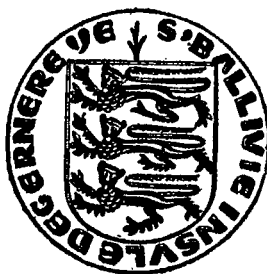
ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Sewerage (Alderney) Law, 1970

(Registered on the Records of the Island of Guernsey
on the 2nd day of February, 1971.)



1971.

XIX
1970

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 2nd day of February, 1971, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Albert Victor Dorey, Esquire, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin and Richard Alan Kinnersly, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th day of December, 1970, ratifying a *Projet de Loi* of the States of Alderney entitled "The Sewerage (Alderney) Law, 1970", 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 and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace

The 17th day of December 1970

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

MRS. SECRETARY THATCHER

MR. SECRETARY THOMAS

MR. SECRETARY CARR

MR. AMERY

MR. CHATAWAY

MR. ENNALS

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 26th day of November 1970, in the words following, viz:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of Leslie Wells, Esquire, Vice-President of the States of Alderney, setting forth:

‘That at a meeting of the States of Alderney held on the 4th day of September 1970, the States adopted a Resolution that a *Projet de Loi* entitled “The Sewerage (Alderney) Law, 1970” be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said *Projet de Loi* be sanctioned: That the said *Projet de Loi* is set forth in the words and figures of the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to

grant Your Royal Sanction to the *Projet de Loi* entitled "The Sewerage (Alderney) Law, 1970" and to order that the same shall have the force of law within the Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the *Projet de Loi* annexed thereto, 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 Alderney.

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 of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, 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 Sewerage (Alderney) Law, 1970

THE STATES, in pursuance of their Resolution of the twenty-fourth day of April, nineteen hundred and seventy, 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.

1. 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 Alderney. Vesting of title to sewers in the States.
2. 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. Powers and duties of the Committee.
- 3.—(1) 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 the annual rateable value of that building. Contributions.
- (2) 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 the amount of every such increase.

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

(4) 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 (2) 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.

(5) For the purposes of this section, a glasshouse shall be deemed not to be a building.

Collection of
contributions from
property
owners.

4. The Clerk of the States shall notify every person from whom any sum is due under section three of this Law of the amount due from him, which amount shall be payable within three weeks from the date of such notification and be thereafter recoverable as a civil debt.

Power of
the Com-
mittee to
require
property
owners
to provide
connection
with public
sewers.

5. The Committee may at any time if they consider it necessary or expedient, require the owner of any building by written notice signed by the Chairman of the Committee, to make provision to the satisfaction of the Committee for the disposal of refuse water by connecting that building with a public sewer and make other provision for the disposal of rain water from roofs and other surface water:—

Provided always that rain water from roofs or other surface water may be allowed to enter a public sewer only by an express requirement of the Committee, given either by the written notice hereinbefore mentioned or by a subsequent written notice signed by the Chairman of the Committee.

6. 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-five pounds.

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

7.—(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.

Compensation.

(2) Any dispute arising under this section as to the fact of damage or as to the amount of compensation shall be determined by the Court.

(3) 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 Court shall determine by what amount, if any, the value ~~of~~ the ^{to} 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.

Interpreta-
tion.

8. In this Law, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

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

“Cadastre” means the valuation carried out and maintained under the provisions of section four of the Alderney (Application of Legislation) Law, 1948;

“the Committee” means the Public Works Committee;

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

Power of
States to
make
Ordinances.

9. The States may, from time to time, make such Ordinances as they may deem necessary or expedient for the putting into execution of the provisions of this Law and may, from time to time, vary or revoke any such Ordinance.

R. H. VIDELO,

Her Majesty's Greffier.