

PROJET DE LOI

ENTITLED

The Sewerage (Alderney) Law, 1970 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XXII, p. 577; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Sewerage (Amendment) (Alderney) Law, 1991 (No. V of 1991); the Sewerage (Alderney) (Amendment) Law, 2002 (No. XXVII of 2002); the Sewerage (Alderney) (Amendment) Law, 2008 (No. IX of 2009); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997).

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ARRANGEMENT OF SECTIONS

1. Vesting of title to sewers in the States.
2. Powers and duties of the Committee.
3. Contributions.
4. Collection of contributions from property owners.
5. Power of the Committee to require property owners to provide connection with public sewers.
6. Penalty for failure to comply with a notice under section five.
7. Compensation.
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9. Power of States to make Ordinances.
10. General provisions relating to Ordinances.

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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.

Vesting of title to sewers in the States.

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.

Powers and duties of the Committee.

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.

Contributions.

3. [(1) The owner of any building beginning to be served by a public sewer after the commencement of this Law shall pay to the States such sum as the States may from time to time by Ordinance prescribe.]

(2) ...

(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 when a building, whether existing at the date of commencement of this Law or whether constructed after that date, begins to be served by a public sewer.]

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

NOTES

In section 3,

subsection (1) and subsection (4) were substituted by the Sewerage (Alderney) (Amendment) Law, 2008, respectively section 1(1)(a) and section 1(1)(b), with effect from 14th May, 2009;¹

subsection (2) was repealed by the Sewerage (Alderney) (Amendment) Law, 2002, section 1(a), with effect from 16th December, 2002.²

The following Ordinance has been made under section 3:

Sewerage (Alderney) (Service Charge) Ordinance, 2009.

The Law received Royal Sanction on 17th December and was registered on the Records of the Island of Guernsey and came into force on 2nd February, 1971.

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 Committee 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.

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

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 [level 1 on the Alderney uniform scale].

NOTE

In section 6, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Compensation.

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.

(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 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.

Interpretation.

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

[...]

[...]

"the Committee" means the [General Services] Committee,

"owner" includes persons called, in the French language, 'saisis d'héritage' and 'usufruitiers'.

NOTES

In section 8,

the words omitted in the first and second pairs of square brackets were repealed by the Sewerage (Alderney) (Amendment) Law, 2008, section 1(1)(c), with effect from 14th May, 2009;

the words in square brackets in the definition of the expression "the Committee" were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 8, with effect from 2nd April, 1997.

The functions of the Public Works Committee under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 8, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

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 [...].

NOTE

In section 9, the words omitted in square brackets were repealed by the Sewerage (Alderney) (Amendment) Law, 2008, section 1(1)(d), with effect from 14th May, 2009.

[General provisions relating to Ordinances.

10. (1) An Ordinance under this Law –
- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
 - (b) may contain such consequential, incidental, supplementary, savings and transitional provision as

may appear to be necessary or expedient, including provision amending any 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 classes of cases, or different provision for the same class of case for different purposes, and/or

(iii) any such provision either unconditionally or subject to any prescribed conditions.]

NOTE

Section 10 was inserted by the Sewerage (Alderney) (Amendment) Law, 2008, section 1(1)(e), with effect from 14th May, 2009.

¹ Prior to their substitution, subsection (1) was amended by the Sewerage (Amendment) (Alderney) Law, 1991, section 1, with effect from 9th July, 1991; and subsection (4) was amended by the Sewerage (Alderney) (Amendment) Law, 2002, section 1(b), with effect from 16th December, 2002.

² Prior to its repeal, subsection (2) was amended by the Sewerage (Amendment) (Alderney) Law, 1991, section 1, with effect from 9th July, 1991.