



Jersey

# **QUEEN'S VALLEY RESERVOIR (JERSEY) LAW 1988**

## **Official Consolidated Version**

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Jersey

## QUEEN'S VALLEY RESERVOIR (JERSEY) LAW 1988

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Jersey

## QUEEN'S VALLEY RESERVOIR (JERSEY) LAW 1988<sup>1</sup>

A LAW to authorize and require the carrying out of a waterwork project in Queen's Valley by The Jersey New Waterworks Company Limited, and to provide for ancillary matters

Commencement [[see endnotes](#)]

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### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“authorized works” means the reservoir, silt pond and other works authorized and required by Article 2 and described in Schedule 1 and any works, apparatus and conveniences constructed, provided or installed, and operations carried out, in connection with, or for the purposes of, those works in pursuance of Article 2(3)(f) and Schedule 2;

“Board of Arbitrators” means the Board of Arbitrators mentioned in Article 8 of the [Compulsory Purchase of Land \(Procedure\) \(Jersey\) Law 1961](#);

“Company” means The Jersey New Waterworks Company Limited registered by Act of the Royal Court dated the 11th day of February, 1882 in accordance with the provisions of the Loi (1861) sur les Sociétés à Responsabilité Limitée;

“deposited plan” means the plan referred to in Article 10;

“highway authority” has the same meaning as in the Roads (Administration) (Jersey) Law 1960;

“in”, in a context referring to works or apparatus, includes under, over, along or upon;

“land” includes houses, buildings and structures on land, water, interests in or under land or water and servitudes or rights in, on or over land or water;

“Minister” means the Minister for Infrastructure;

“project” means the project described in Article 2;

“Queen’s Valley” means the valley described in Article 2;

“reservoir” means a reservoir for water as such and “the reservoir” means the reservoir referred to in Article 2;

“road” has the same meaning as in the [Roads Administration \(Jersey\) Law 1960](#);

“telegraphic line” has the same meaning as in the Telecommunications (Jersey) Law 1972;

“watercourse” includes all brooks, streams, ditches, channels, cuts, culverts, dykes, sluices and passages through which water flows.<sup>2</sup>

- (2) Where in this Law there is a reference to a Work by number only, and without further identification, such reference shall be construed as a reference to the Work of that number contained in Schedule 1.
- (3) Where any provision of the Company’s Memorandum of Association or Articles of Association is inconsistent, or is in conflict, with the provisions of this Law, the latter shall prevail.

## **2 Authorization and requirement to carry out waterwork project in Queen’s Valley**

- (1) Subject to the provisions of this Law, of the Island Planning (Jersey) Law 1964 and of the [Loi \(1934\) sur la Santé Publique](#), the Company is authorized and required to carry out the project described in paragraph (2) and Schedule 1.
- (2) The project consists of the construction of a reservoir, silt pond and other works in Queen’s Valley in the parishes of Grouville, St. Martin and St. Saviour as a source of supply forming part of the undertaking of the Company.
- (3) For the purposes of the project the Company may –
  - (a) acquire land as provided in Article 3;
  - (b) require the appropriate highway authority to do the things provided for in Article 4;
  - (c) do temporarily in relation to any watercourse, sewer, drain, gas or water pipe, electricity cable or telegraphic line, the things provided for in Article 5;
  - (d) cause roads to be extinguished as provided for in Article 6 and Schedule 3;
  - (e) vary the location or, as the case may be, the height of a work or part of a work described in Schedule 1 where permitted to do so under Article 7;
  - (f) in connection with, or for the purposes of, the works described in Schedule 1, carry out the works and operations and do the things described in Schedule 2 within the limits of land to be acquired shown on the deposited plan and to the extent necessary for Work No. 4, outside such limits;

- (g) impound, appropriate and use water as provided for in Article 8;
  - (h) use water from the reservoir for the purposes of water supply;
  - (i) from time to time within the limits of deviation permitted under Article 7 extend, enlarge, alter, replace or renew the works described in Schedule 1;
  - (j) do all such other things not unlawful as may be required in order to carry out the project.
- (4) Where water escapes from the reservoir the Company shall be prima facie liable for the damage which is the natural consequence of its escape.
- (5) Liability under paragraph (4) shall be strict and it shall not be a defence that the water escaped without the Company's wilful act, default or neglect.

### 3 Acquisition of land

- (1) The Company may acquire by agreement any land required for the purposes of the project.
- (2) The Company may acquire by compulsory purchase, in accordance with the provisions applied by Article 6(2) of the [Water \(Jersey\) Law 1972](#) to the acquisition of land under that Article, any land required for the purposes of the project and situated within the limits of land to be acquired shown on the deposited plan.
- (3) No person shall be required to sell a part only of the person's land if –
- (a) the part which would be left (which may be outside the limits of land to be acquired shown on the deposited plan) is incapable of reasonably beneficial use;
  - (b) the person is willing and able to sell the whole; and
  - (c) the person serves notice on the Company requiring it to purchase the whole.
- (4) The Company may acquire any land in the manner mentioned in paragraph (1) or in paragraph (2) belonging to the National Trust for Jersey or any other person notwithstanding that such land may be held inalienably.
- (5) In this Article the "National Trust for Jersey" means the association incorporated by a Law passed by the States on 11th February 1937 and confirmed by Order in Council dated 13th April 1937.
- (6) Where the Company acquires land in the manner mentioned in paragraph (2), Article 6(1) of the [Compulsory Purchase of Land \(Procedure\) \(Jersey\) Law 1961](#), shall not apply.
- (7) On the date on which any land is acquired by the Company within the limits of land to be acquired shown on the deposited plan, any public footpath thereon shall be extinguished and the *fonds* thereof shall vest in the Company by operation of law and without conveyance.
- (8) Paragraph (7) is in addition to and shall not derogate from Article 6.

- (9) Where paragraph (2) applies, Article 6(1) of the [Water \(Jersey\) Law 1972](#) shall not apply.

#### **4 Road works; temporary closure of road or diversion of traffic**

- (1) Where the Company represents to a highway authority that in order to carry out the authorized works the widening or strengthening of a road is necessary or desirable, the highway authority shall with reasonable expedition carry out such works as may be required for such widening or strengthening.
- (2) Where the Company represents to a highway authority that in order to carry out the authorized works a junction is required between an access road described in Schedule 1 and another road, the highway authority shall with reasonable expedition carry out such works as may be required to provide such junction in accordance with plans and specifications of the access road at the said junction supplied to the highway authority by the Company.
- (3) All costs reasonably incurred by a highway authority in carrying out works under paragraph (1) or (2) shall be paid to the highway authority by the Company and for the purposes of this paragraph “costs” includes direct costs, overhead expenses and cost of financing.
- (4) If the highway authority does not proceed with the carrying out of works under paragraph (2) or, having begun those works, does not complete them with reasonable expedition the Company may itself carry out the works or, as the case may require, such part of the works as remains to be completed.
- (5) Where the Company represents to a highway authority that in order to carry out the authorized works the temporary closure of a road or the temporary diversion of traffic from a road is necessary or desirable, the highway authority shall with reasonable expedition make the arrangements for such closure or diversion.

#### **5 Temporary diversion of watercourses and public utilities**

- (1) Subject to the provisions of this Article, in order to carry out the authorized works, including the excavation and disposal of materials, the Company may temporarily stop up, alter, divert or otherwise interfere with any watercourse, sewer, drain, gas or water pipe, electricity cable or telegraphic line.
- (2) The powers of paragraph (1) shall not be exercised in relation to any watercourse, sewer or drain without providing a proper substitute before interrupting the passage of water or other matter therein, and the Company shall be liable to pay compensation for damage caused in the exercise of the powers aforesaid.
- (3) The powers of paragraph (1) shall not be exercised in relation to any gas or water pipe, electricity cable or telegraphic line except in accordance with Article 12.



## 6 Extinguishment of roads

- (1) On and after the relevant date the several lengths of road situated within the limits of deviation shown on the deposited plan shall be extinguished.
- (2) The relevant date referred to in paragraph (1) shall be ascertained in accordance with the provisions of Schedule 3.
- (3) This Article and Schedule 3 shall have effect notwithstanding the provisions of any other enactment passed before the commencement of this Law.
- (4) Where, by reason of the extinguishment of a length of road under this Law, land ceases to be a road, that land (the *fonds* of the road) shall vest in the highway authority which shall forthwith make it available to the Company and sell it to it at such price as may be agreed between them or, in default of agreement, as may be determined by a Board of Arbitrators constituted in accordance with Article 9 of the [Compulsory Purchase of Land \(Procedure\) \(Jersey\) Law 1961](#), which Law shall then apply as if the land were acquired by the Company under Article 3(2) of this Law and notice had been given under Article 5(3) of the said Law of 1961.

## 7 Permissible limits of deviation

- (1) Works Nos. 1 to 10 shall be constructed in the lines or situations shown on the deposited plan, but each such work may deviate from the line or situation so shown to the extent of the limits of deviation for that work so shown.
- (2) Each of the following works shall be constructed to a height not exceeding the height hereinafter specified in relation thereto above the datum from which the Ordnance Survey's Bench Mark near the east pillar of the main gate at the entrance to St. Saviour's Hospital from La Route de la Hougue Bie was fixed at 53.82 metres, that is to say –
  - (a) the sills of the overflow weirs forming parts of Works Nos. 1 and 3 – a height of 36 metres;
  - (b) the sill of the inlet weir of the subsidiary embankment forming part of Work No. 1 – a height of 36.055 metres;
  - (c) the main dam forming part of Work No. 1 – a height of 39.6 metres;
  - (d) the said subsidiary embankment – a height of 38.25 metres;
  - (e) the intermediate dam, Work No. 3 – a height of 39 metres;
  - (f) the raising of the existing embankment forming part of Work No. 4 – a height of 40 metres;

Provided that on constructing the works specified in sub-paragraphs (c) to (f), including any wall, fence or other structure on any such work, the Company may deviate upwards from the levels there specified to any extent not exceeding 2 metres.

## **8 Power to impound water<sup>3</sup>**

Subject to Article 11 of the [Water Resources \(Jersey\) Law 2007](#), the Company may impound, appropriate and use –

- (a) water from the catchment of the stream in Queen's Valley which may be taken or intercepted by means of the reservoir; and
- (b) water which belongs to the Company or which it is for the time being authorized to take, otherwise than under this Law, which it may bring to and discharge into the reservoir for storage therein.

## **9 Discharge of water**

- (1) Subject to the provisions of this Article, the Company shall discharge a quantity of water continuously and at a uniform rate from the reservoir into the stream in Queen's Valley –
  - (a) being not less than 50,000 gallons in any period of 24 hours; or
  - (b) being equivalent to the measured flow to the reservoir from its natural catchment,whichever is the less.
- (2) The quantities referred to in paragraph (1) and in (3)(b) shall be measured by a gauge in each case.
- (3) Nothing in this Article shall prevent or restrict the discharge of water into the stream below the reservoir –
  - (a) for the safety of the structure of the dams forming part of Works Nos. 1 and 3; and either
  - (b) continuously and at a uniform rate not exceeding 2,500,000 gallons in any period of 24 hours; or
  - (c) being a quantity equivalent to the natural flow of water over the main dam overflow weir when the reservoir is full.
- (4) Any damage or injury in the land below the main dam caused by the discharge of water under paragraph (3) or resulting from greater discharge than the amounts mentioned in sub-paragraphs (b) and (c) of that paragraph shall be the subject of compensation by the Company.

## **10 Deposit of plan**

- (1) Two copies of the plan laid before the States on 18th February 1986 were signed for purposes of identification by the Greffier of the States and the Managing Director of the Company on 31st December 1985.
- (2) On the commencement of this Law, one of such signed copies shall be deposited with the Greffier of the States and the other shall be deposited with the Secretary of the Company.
- (3) The copy deposited with the Secretary of the Company shall be made available for inspection by the public without charge at the offices of the Company on the days and during the hours when such offices are open to the public for the payment of water rates.

## 11 Compensation

- (1) Any person –
  - (a) whose property is damaged; or
  - (b) who sustains damage by being disturbed in the enjoyment of any right in or over land,in consequence of the exercise by the Company of its powers under this Law or the carrying out by the Company of its duties under this Law, shall be entitled to recover compensation from the Company in respect of that damage.
- (2) Where any dispute arises as to the amount of any compensation payable under this Article, or as to the persons to whom it is payable, the dispute shall be determined by arbitration.
- (3) This Article is in addition to and does not derogate from the provisions applied by Article 6(2) of the [Water \(Jersey\) Law 1972](#).

## 12 Protection of public utility services

- (1) In this Article –

“protected service” means a supply of gas, water or electricity, or a service provided under the Telecommunications (Jersey) Law 1972, to any premises which are not within the limits of land to be acquired shown on the deposited plan;

“relevant apparatus” means any pipes, mains, cables, wires, telegraphic line, or other works or apparatus provided and maintained for the provision of a protected service not being works or apparatus to which Article 13 applies;

“undertakers” means any person authorized by or under any enactment to carry on an undertaking for, or for purposes which include, the provision of a protected service.
- (2) The Company shall not acquire any relevant apparatus under this Law otherwise than by agreement.
- (3) If the Company acquires under this Law any land in which relevant apparatus is situated, it shall not remove, or interrupt the operation of, that apparatus until alternative apparatus adequate to provide the service provided by the relevant apparatus has been provided and is in operation.
- (4) If –
  - (a) the Company, for the purposes of this Law, requires the removal of any relevant apparatus and gives to the undertakers or other person owning the apparatus notice of its requirements; or
  - (b) in consequence of the exercise by the Company of the powers of this Law the undertakers or other person owning any relevant apparatus reasonably require its removal and replacement,the Company shall, so far as it is reasonably practicable to do so, afford the necessary facilities for the provision and bringing into operation of such adequate alternative apparatus as is mentioned in paragraph (3):

Provided that if the Company is unable to afford such facilities the undertakers or other person concerned shall use their best endeavours to obtain the necessary facilities in other land.

- (5) The Company shall pay to the undertakers or other person owning any relevant apparatus the amount by which any expenses reasonably incurred by them in connection with any renewal or alteration of any relevant apparatus, or the provision of any new apparatus, which may be required in consequence of the exercise of the powers of this Law exceed the value (calculated after removal) of any relevant apparatus for which alternative apparatus is substituted and shall pay compensation to them for any damage caused to any relevant apparatus in the exercise of such powers.
- (6) The temporary closure of a road under Article 4(5) shall not prevent the undertakers concerned from obtaining access to any relevant apparatus therein for the purpose of maintaining, inspecting, repairing, renewing or removing that apparatus.
- (7) Any difference which may arise between the Company and any undertakers or other person under this Article shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

### **13 Protection of local sources of water supply**

- (1) In this Article –
  - (a) “protected source” means any well, borehole, spring or stream, and any water supply apparatus connected therewith, within the limits of land to be acquired shown on the deposited plan, which is used at the commencement of this Law as an effective source for the supply of water to premises which are not within the said limits;
  - (b) “unprotected source” means any well, borehole or spring, and any water supply apparatus connected therewith, not within the limits of land to be acquired shown in the deposited plan, which is used at the commencement of this Law as an effective source for the supply of water to premises which are not within the said limits.
- (2) If the Company acquires under this Law any land in which a protected source is situated it shall take such steps as may be necessary to maintain the operation of that source until an adequate alternative water supply to the premises served by the source has been provided by the Company in accordance with the provisions of paragraph (3).
- (3) If for the purposes of paragraph (2) the Company undertakes the provision of an alternative water supply to any premises –
  - (a) access to the premises and facilities for the provision of any necessary apparatus shall be made available to the Company without charge; and
  - (b) the supply shall be provided by the Company on such terms as may be agreed, or in default of agreement, determined by arbitration having regard to the cost of operating the protected source and any deficiency in the supply obtained from the source.

- (4) Any difference which may arise between the Company and the owner, lessee or occupier of a protected source under this Article shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Royal Court.
- (5) Where it can be shown that an unprotected source has as a result of the doing of the authorized works been materially adversely affected as a source for the supply of water, paragraphs (2), (3) and (4) shall apply as though that unprotected source was a protected source.

#### **14 Land and works to form part of the undertaking of the Company**

All land acquired by the Company for the purposes of the project and all works constructed by the Company for such purposes, shall form part of the undertaking of the Company.

#### **15 Citation**

This Law may be cited as the [Queen's Valley Reservoir \(Jersey\) Law 1988](#).

**SCHEDULE 1**

(Article 2(1))

1. Work No. 1  
A reservoir formed by a main dam across the unnamed stream in Queen's Valley between reference point 0569331E, 5449654N and reference point 0569509E, 5449608N and a subsidiary embankment across the said stream between reference point 0569893E, 5450549N and reference point 0569970E, 5450574N, with a draw-off tower and overflow weir at the main dam and an inlet weir at the subsidiary embankment.
2. Work No. 2  
A stilling pond at reference point 0569427E, 5449518N and an outlet channel below the main dam commencing in the said stilling pond and terminating at reference point 0569417E, 5449430N.
3. Work No. 3  
An intermediate dam across the reservoir between reference point 0569722E, 5450156N and reference point 0569827E, 5450175N with a weir, bridge and draw-off tower.
4. Work No. 4  
A raising of the existing embankment across the tributary stream south of St. Saviour's Hospital between reference point 0569700E, 5450385N and reference point 0569731E, 5450438N and, subject to the grant of such rights as may be required for that purpose, the infilling of land upstream from the said embankment.
5. Work No. 5  
A silt pond formed partly by excavation and partly by the subsidiary embankment (part of Work No. 1) with inlet chambers and a bypass pipe.
6. Work No. 6  
A pumping station partly within the downstream slope of the main dam (part of Work No. 1) at or about reference point 0569450E, 5449570N.
7. Work No. 7  
An access road commencing by a junction with La Rue du Moulin-de-Bas at reference point 0569407E, 5449425N, passing round the stilling pond (part of Work No. 2) and terminating at the pumping station (Work No. 6), with parking places for vehicles.
8. Work No. 8  
An access road commencing by a junction with La Rue des Teurs Champs at reference point 0569500E, 5449545N and terminating at the western end of the main dam (part of Work No. 1).
9. Work No. 9  
An access road commencing by a junction with La Rue D'ava (B.28) at reference point 0569982E, 5450577N and terminating at the silt pond

(Work No. 5) at reference point 0569936E, 5450609N together with an access ramp and parking places for vehicles.

10. Work No. 10

A track around the reservoir and silt pond commencing at the termination of the access road (Work No. 8) and terminating by a junction with that road at the eastern end of the main dam, including tracks across the subsidiary embankment (part of Work No. 1) and the intermediate dam (Work No. 3).

**SCHEDULE 2**

(Article 2(3)(f))

1. Make and provide all necessary and convenient walls, banks, embankments, grout curtains, boreholes, borrow pits, quarries, aerators, tunnels, piling, fences, gates, gabions, culverts, drains, intakes, pumping inlets, weirs, gauges and measuring devices, overflows, chambers, manholes, channels, roads, bridges, footpaths and all such mains, pipes, cables, wires, lightning conductors, instruments, aerials, machinery, works and appliances as may be required.
2. Divert, alter, stop up and discontinue any watercourse to the extent that so much of such watercourse will be rendered unnecessary by reason of the carrying out of the authorized works.
3. Provide parking places for vehicles.
4. Excavate, remove and process, (whether by blasting or by other means) rock, soil and sub-soil.
5. Fell, grub up, remove and plant trees, shrubs, bushes and other vegetation.
6. Dispose of spoil and other material and carry out landscaping.
7. Remove, alter, divert or improve any buildings, structures, electricity cables, telegraphic lines, gas or water pipes, drains, sewers, septic tanks, soakaways, cesspits, manure pits, sewage pumping stations and water abstraction stations, boreholes or water treatment plants as may be required.
8. Execute any works for the protection of adjoining lands.



**SCHEDULE 3**

## (Article 6)

1. The relevant date for the purposes of Article 6 shall be the date specified in the advertisement referred to in paragraph 2 of this Schedule as the date on which the lengths of road referred to in Article 6(1) are to be extinguished and such extinguishment shall come into operation immediately on the expiration of the previous day.
2. The Company shall give notice of the extinguishment of such lengths of road by publishing on one occasion not less than 14 days before the relevant date, in a newspaper circulating in Jersey, information giving a description of the lengths of road to be extinguished and the date on which they are to be extinguished.
3. The notice referred to in paragraph 2 of this Schedule shall be certified by the Greffier of the States as being a notice published in pursuance of the requirements of this Law.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Queen's Valley Reservoir (Jersey) Law 1988	<a href="#">L.10/1988</a>	17 June 1988
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005
Water Resources (Jersey) Law 2007	<a href="#">L.29/2007</a>	1 January 2009
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016

### Table of Renumbered Provisions

Original	Current
1(2)	spent, omitted from this revised edition
1(3)	1(2)
1(4), (5)	spent, omitted from this revised edition
1(6)	1(3)
2(3)(j)	2(3)(i)
(k)	(j)
15	spent, omitted from this revised edition
16	15
SCHEDULE 4	spent, omitted from this revised edition

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Article 1(1) amended by R&O.158/2015*
- <sup>3</sup> *Article 8 amended by L.29/2007*