

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Water Charges Ordinance, 1991 *

[CONSOLIDATED TEXT]

NOTE

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* Ordinances of the States, Vol. XXV, p. 287; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003); Water Charges (Amendment) Ordinance, 2004 (Recueil d'Ordonnances Tome XXIX, p. 594); the Water (Reconnection Charges) Order, 2006 (G.S.I. No. 33 of 2006); Water Charges (Amendment) Order 2006 (G.S.I. No. 40 of 2006); the Water Charges (Amendment) Order 2007 (G.S.I. No. 29 of 2007); the Water Charges (Amendment) Regulations, 2008 (G.S.I. No. 38 of 2008); the Water Charges (Amendment) (No. 2) Regulations, 2009 (G.S.I. No. 78 of 2009); the Water Charges (Amendment) Regulations, 2010 (G.S.I. No. 114 of 2010).

**ORDINANCE
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The Water Charges Ordinance, 1991

ARRANGEMENT OF SECTIONS

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SCHEDULE Charges for water and hosepipe.

(Made on the 25th April, 1991.)

The Water Charges Ordinance, 1991

THE STATES, in pursuance of their Resolution of the 28th day of February, 1991^a, and in exercise of the powers conferred upon them by Article 17 of the Law entitled "Loi ayant rapport à la Fourniture d'Eau par les États de cette Île aux Habitants de la dite Île" registered on the 7th day of May, 1927, as amended^b, and of all other powers enabling them in that behalf, hereby order: –

Supply of water by measure.

1. (1) Subject to subsections (2) and (3), the owner or occupier of –
 - (a) a property not supplied with water by the Board, or
 - (b) a property supplied with water by the Board otherwise than by measure,

may, by notice in writing, require the Board to supply the property with water for any purpose by measure.

(2) Where the Board is required by notice under subsection (1) to supply water by measure to a property, the Board shall not be obliged to furnish the supply until, in the Board's opinion, it is reasonable or practicable in the circumstances of the case to do so.

(3) The occupier of a property who is not the owner thereof may

^a Article XVII of Billet d'État No. V, 1991.

^b Ordres en Conseil Vol. VIII, p. 112; and Vol. XXVI, p. 536.

not require the Board by notice under subsection (1) to supply the property with water by measure unless he has obtained the written agreement in that behalf of the owner of the property.

Properties supplied by measure.

2. (1) Subject to subsections (2) and (3), the owner or occupier of a property which is or the curtilage of which is supplied with water by the Board by measure may not require the Board to supply the property with water otherwise than by measure.

(2) The Board, upon the application of the owner or occupier of a dwelling-house supplied with water for domestic purposes by the Board by measure, may supply the dwelling-house with water for such purposes otherwise than by measure if, in the Board's opinion, there are special reasons to do so.

(3) A person aggrieved by a refusal of the Board to supply a dwelling-house with water for domestic purposes otherwise than by measure under subsection (2) may appeal to the Royal Court sitting as an Ordinary Court on the grounds that the Board's refusal was ultra vires or unreasonable.

Supply of water to commercial property.

3. The owner or occupier of a property any part of which or any part of the curtilage of which is used for a trade, business or other commercial purpose may not require the Board to supply the property with water otherwise than by measure.

Supply of water for domestic purposes.

4. (1) The owner or occupier of a dwelling-house supplied with water for domestic purposes by the Board otherwise than by measure may require the Board to furnish the supply for such purposes at the charges specified in

paragraph 2 of the Schedule.

(2) Where a property is supplied with water by the Board for the purposes of constructing a dwelling-house thereon, the first purchaser of the completed dwelling-house may, by notice in writing, require the Board to supply the dwelling-house with water for domestic purposes at the charges specified in paragraph 2 of the Schedule.

(3) The provisions of this section do not apply, and accordingly the owner or occupier of the dwelling-house may not require the Board to supply the dwelling-house with water for domestic purposes at the charges specified in paragraph 2 of the Schedule, if the dwelling-house or its curtilage, or any part thereof, is –

- (a) supplied with water by the Board by measure,
- (b) used for a trade, business or other commercial purpose, or
- (c) inscribed in the Cadastre as being so used.

Charges for a supply of water by measure.

5. The charges which may be made by the Board for a supply of water to a property by measure are specified in paragraph 1 of the Schedule.

Charges for a supply of water for domestic purposes otherwise than by measure.

6. The charges which may be made by the Board for a supply of water for domestic purposes to a property otherwise than by measure are specified in paragraph 2 of the Schedule.

Rateable value of new properties.

[7. (1) Where a new property is supplied with water for domestic purposes by the Department and no assessable unit of the property has been calculated in respect of that property for the purposes of the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, the Department may, for the purposes of calculating the charges which may be made under section 4 or 6 for the supply, estimate the assessable units of the property for that property.

(2) If the assessable units of real property, when inscribed in the property tax register established under the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, differ from the assessable units of the property so estimated, the amount (if any) by which the charges actually paid differ from the charges which would have been payable had they been calculated according to the inscribed assessable units of the property, shall be refunded by or (as the case may be) paid to the Department.]

(3) An amount to be paid to the Board under subsection (2) is recoverable as if it were a charge for a supply of water.

NOTES

In section 7, subsection (1) and subsection (2) were substituted by the Water Charges (Amendment) Regulations, 2008, regulation 2, with effect from 1st January, 2009.

Period of payment of charges for dwelling-house.

8. The charges which may be made by the Board for a supply of water for domestic purposes to a dwelling-house in accordance with section 4(1) shall be payable in respect of any period during which –

- (a) the dwelling-house is usable for the purposes of human habitation, and
- (b) the supply pipe thereto is connected to the Board's mains.

Supply of water by agreement; charges, etc.

9. (1) Notwithstanding sections 4, 5 and 6, the Board may make such charges for a supply of water to a property as may be agreed between the Board and the owner or occupier of the property.

(2) Such an agreement may be made subject to any terms and conditions whatsoever.

Charge for hosepipe.

10. (1) The charges which may be made by the Board for the use of a hosepipe on a property supplied with water otherwise than by measure are specified in paragraph 3 of the Schedule.

(2) A charge made under subsection (1) is recoverable as if it were a charge for a supply of water.

Charge for installation of meter.

11. (1) The Board may make such charge for the installation of a meter on a property supplied with water by the Board otherwise than by measure as will meet the average reasonable cost to the Board of such an installation.

(2) A charge made under subsection (1) is recoverable as if it were a charge for a supply of water.

Charges for reconnecting supplies.

12. (1) Where, for any reason, the Board shuts off and subsequently reconnects the supply of water to a property by turning the Board's stop-cock which controls the supply, the Board may charge, in respect of the reconnection, the appropriate fee specified in paragraph 4 of the Schedule.

(2) A fee chargeable under subsection (1) is recoverable as if it were a charge for a supply of water.

Fractions of penny to be disregarded.

13. In determining the amount due to the Board from any person in respect of a supply of water, the Board may disregard any amount of less than one penny.

Interpretation.

14. In this Ordinance, unless the context otherwise requires –

"**the Board**" means the States [Public Services Department],

"**the Cadastre**" means the Cadastre prepared and maintained under the provisions of the Cadastre Law, 1947, as amended^c,

"**curtilage**", in relation to any property or dwelling-house, means any land adjoining and in the same ownership as the property or house; and land does not cease to be part of a curtilage by reason only of the fact that –

(a) there exists upon the land or property any wall, hedge,

^c Ordres en Conseil Vol. XIII, p. 78; Vol. XVII, p. 23; Vol. XX, p. 135.

ditch or other boundary feature, or

- (b) there is inscribed in the Cadastre more than one number in respect of the land and the property or house,

"a dwelling-house" means any premises used or usable for the purposes of human habitation,

"rateable value" means the rateable value inscribed in the Cadastre,

"a supply of water for domestic purposes" means a sufficient supply of water for drinking, washing, cooking and sanitary purposes, and for watering a garden and washing a vehicle kept for private use where the water is drawn from a tap and no garden sprinkler or similar unattended apparatus (other than a hand-held hosepipe) is used, but does not include a sufficient supply of water for a bath with a capacity measured to the centre line of the overflow pipe in excess of 230 litres.

NOTES

In section 14, the words in square brackets in the definition of the expression "the Board" in subsection (1) were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 31, with effect from 6th May, 2004.

The functions, rights and liabilities of the Water Board and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Public Services Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 31, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Repeals.

15. The Water Charges Ordinance, 1979^d, the Water Charges (Amendment) Ordinance, 1985^e and the Water Charges (Amendment) Ordinance, 1989^f are repealed.

Transitional.

16. Notwithstanding the repeals effected by section 15, the charges which may be made by the Board for a supply of water in respect of which an account is rendered before 1st August, 1991 shall be at the rates applicable immediately before the commencement of this Ordinance.

Citation.

17. This Ordinance may be cited as the Water Charges Ordinance, 1991.

Commencement.

18. This Ordinance shall come into force on 1st May, 1991.

^d Recueil d'Ordonnances Tome XXI, p. 377.

^e Recueil d'Ordonnances Tome XXIII, p. 318.

^f No. XI of 1989.

SCHEDULE
CHARGES FOR WATER AND HOSEPIPES

[1. The charges which may be made in 2011 under section 5 for a supply of water to a property by measure are –

- (a) a charge of £1.75 per cubic metre of water supplied, and
- (b) the quarterly charge in column 2 below appearing opposite the size shown in column 1 of the meter which measures the property's supply.

1. Size of meter	2. Quarterly charge
15 mm (½")	£25.00
20 mm (¾")	£37.14
25 mm (1")	£41.16
40 mm (1½")	£46.31
50 mm (2")	£48.99
75 mm (3")	£51.47

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100 mm (4")	£56.59
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2. The charge which may be made in 2011 under section 4 or 6 for a supply of water for domestic purposes to a property otherwise than by measure is the quarterly charge in column 2 below and a quarterly charge of £0.46 multiplied by each assessable unit of the property as calculated for the purposes of property tax under the provisions of the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007^{fa}.

1. Rate per assessable unit of TRP	2. Quarterly charge
£0.46	£25.00

3. Nil.

4. [(a) £65.00 (where the Department considers that the shutting-off or subsequent reconnection of the supply in question by the Department's employee has caused that employee to undertake duties outside his normal working hours),

^{fa} Ordinance No. XXXIII of 2007, amended by No. X of 2008, No. LVI of 2009 and G.S.I. No. 54 of 2008.

(b) £40.00 (in any other case).]

NOTES

In the Schedule,

paragraph 1 and paragraph 2 were substituted by the Water Charges (Amendment) Regulations, 2010, regulation 1, with effect from 1st January, 2011;¹

paragraph 4 was substituted by the Water (Reconnection Charges) Order, 2006, article 1, with effect from 18th September, 2006.

¹ Paragraph 1 and paragraph 2 were previously substituted by: the Water Charges (Amendment) Ordinance, 2003, section 1, with effect from 1st January, 2004; the Water Charges (Amendment) Ordinance, 2004, section 1, with effect from 1st January, 2005; and the Water Charges (Amendment) Order 2006, article 1, with effect from 1st January, 2007; the Water Charges (Amendment) Order 2007, article 1, with effect from 1st January, 2008; the Water Charges (Amendment) Regulations, 2008, regulation 1, with effect from 1st January, 2009; the Water Charges (Amendment) (No. 2) Regulations, 2009, regulation 1, with effect from 1st January, 2010.