

Island of



Guernsey

Ordinance of the States

XLIII
2014

Made 12th November, 2014

The Wastewater Charges (Guernsey) Ordinance, 2014

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THE STATES, in pursuance of their Resolution of the 30th January, 2014^a, and in exercise of the powers conferred on them by sections 2(1)(b), 5(4), 15 and 16 of the Wastewater Charges (Guernsey) Law, 2009^b, and section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007^c, hereby order:-

Unmetered non-domestic properties with private water supplies liable to wastewater charges.

1. Any non-domestic property with a private water supply is prescribed to be liable to the wastewater charges under section 2(1)(b)(ii) of the Law.

Amendment of the Law.

2. The Law is amended as set out in the Schedule.

Interpretation.

3. (1) In this Ordinance, "**the Law**" means the Wastewater Charges (Guernsey) Law, 2009.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

^a Article VII of Billet d'État No. I of 2014.

^b Order in Council No. VIII of 2010, brought into force by Ordinance No. LI of 2010. As amended by G.S.I. No. 1 of 2014.

^c Order in Council No. VII of 2008; as amended by No. VIII of 2010; Recueil d'Ordonnances Tome XXXIII, p. 38; Ordinance No. IV of 2011; Ordinance No. XLIII of 2013.

Consequential amendments to the Law.

4. (1) Section 7(2) of the Law is amended as follows –

- (a) in paragraphs (a) and (b), immediately after "water fittings" in each place it occurs, insert ", any private supply meter",
- (b) at the end of paragraph (a), delete the word "and",
- (c) for the full stop at the end of paragraph (b), substitute a comma and the word "or", and
- (d) immediately after paragraph (b), insert the following paragraph –

"(c) remove from the property, carry out maintenance work on, or replace, any private supply meter.".

(2) Section 7(3) of the Law is amended by inserting, immediately after paragraph (a), the following paragraph –

"(aa) to determine whether any private supply meter needs maintenance or replacement, and if so, to carry out the maintenance or replacement,".

Consequential amendments to the Fees, Charges and Penalties (Guernsey) Law, 2007.

5. (1) Part A of the Schedule to the Fees, Charges and Penalties (Guernsey) Law, 2007 is amended, in the entry relating to the Wastewater Charges

(Guernsey) Law, 2009, in the column headed "Class or Description of Fee", by substituting, for "Rate 1 and Rate 2", "any rate".

(2) For the avoidance of doubt, the Department may prescribe by regulations a rate to substitute Rate 3 as inserted in the Schedule to the Law by section 2 of, and paragraph 10 of the Schedule to, this Ordinance.

Transitional provision relating to abatement agreements.

6. An agreement under section 5(2) of the Law between a person liable to pay Charge C for a non-domestic metered property and the Department that is in force immediately before the commencement of this Ordinance is deemed to expire upon the commencement of this Ordinance, unless renewed after this Ordinance is approved by the States.

Transitional provision where Department unable to meet request for meter.

7. (1) This section applies where –
- (a) a person makes a request under section 5(1A) of the Law in respect of any property at any time after this Ordinance is approved by the States but before the commencement of this Ordinance, and
 - (b) the Department is unable to install a meter on each private water supply to the property before the commencement of this Ordinance, other than through any fault of the owner or occupier of the property.

(2) Where this section applies, notwithstanding any provision of the Law to the contrary, until the Department installs a meter on each private water supply to the property –

- (a) the property shall not be liable to any wastewater charge other than a wastewater charge to which that property was liable immediately before the commencement of this Ordinance, and
- (b) if that property was liable to Charge C immediately before the commencement of this Ordinance, Charge C for the property shall be calculated in accordance with section 5(1) as if that provision had not been amended by this Ordinance.

Transitional provision for accounts.

8. (1) This section applies to any written account served by the Department under section 8 of the Law (in respect of a metered property with a private water supply) after the commencement of this Ordinance, which concerns both –

- (a) an amount of metered water supplied by the Department to the property before the commencement of this Ordinance, and
- (b) an aggregate of the amount of metered water supplied by the Department to a metered property and the amount of metered water supplied to the property from a private water supply, after the commencement of this Ordinance.

(2) In calculating Charge C under section 5(1) of the Law for the purposes of the written account, the Department must apply –

- (a) the former calculation in relation to the estimated amount of metered water referred to in subsection (1)(a), and
 - (b) the current calculation in relation to the estimated amount of metered water referred to in subsection (1)(b).
- (3) In this section –

"current calculation" means the calculation of Charge C in accordance with section 5(1)(c) of the Law, as amended by this Ordinance,

"former calculation" means the calculation of Charge C in accordance with section 5(1)(a) of the Law, as if that provision had not been amended by this Ordinance, and

"metered water", in relation to subsections (1)(a) and (2)(a), has the meaning given by section 18(1) of the Law, as if the definition of **"metered water"** in that provision had not been substituted by this Ordinance.

Citation.

9. This Ordinance may be cited as the Wastewater Charges (Guernsey) Ordinance, 2014.

Commencement.

10. (1) Subject to subsection (2), this Ordinance shall come into force on the 1st March, 2015.

(2) The amendment to the Law made by paragraph 5 of the Schedule shall come into force on the day after the date on which this Ordinance is approved by the States.

SCHEDULE
AMENDMENTS TO THE LAW

Section 2

1. In section 3(2) of the Law, immediately after "unmetered chargeable property", insert "(other than a non-domestic property with a private water supply)".

2. Immediately after section 3(2) of the Law, insert the following subsection –

"(2A) Any non-domestic property with a private water supply that would otherwise be liable to wastewater charges under section 2(1)(b)(ii) is exempt from all wastewater charges if the drains in, and in connection with, that property are configured in such a manner that no water from its private water supply is discharged into a public sewer, cesspool or septic tank."

3. In section 3(3) of the Law, immediately after "subsection (2)" insert "or subsection (2A)".

4. In section 5(1) of the Law –

(a) in paragraph (a), immediately after "metered property", insert "other than a property with a private water supply",

(b) in paragraph (b) –

- (i) immediately after "unmetered chargeable property", insert "other than a property with a private water supply", and
- (ii) for the full stop at the end of paragraph (b), substitute a comma and the word "and", and
- (c) immediately after paragraph (b), insert the following paragraph –

"(c) for a property with any private water supply –

- (i) where a private supply meter is installed on each private water supply to the property, Rate 1 x (0.9 x volume of metered water in cubic metres), but
- (ii) in any other case, Rate 3."

5. Immediately after section 5(1), insert the following subsections –

"(1A) The owner of a non-domestic property with a private water supply (or the occupier of the property, with the owner's written consent) may at any time make a written request to the Department to install a meter to measure the volume of water supplied through each private water supply to the property, for the purpose of enabling Charge C to be calculated for the property in accordance with subsection (1)(c)(i).

(1B) On receiving a request under subsection (1A), the Department must, at its own expense –

- (a) install the meter as soon as practicable and in any event within 2 months of receipt of the request, and
- (b) maintain or replace the meter as necessary."

6. In section 5(2) of the Law, for "a non-domestic metered property" substitute "an eligible property".

7. In section 5(3)(a) of the Law, immediately after "subsection (1)(a)", insert "or (c)(i)".

8. In section 5(8) of the Law –

- (a) insert the following definition in the appropriate alphabetical order –

"**eligible property**" means any non-domestic property that –

- (a) is a metered property, or
- (b) is not a metered property, but is a property with one or more private water supplies, on each of which a private supply meter is installed," and

- (b) for the definition of "**Rate 1**" and "**Rate 2**", substitute the following definition –

"**Rate 1**", "**Rate 2**" and "**Rate 3**" refer to the respective rates specified in paragraph (c) of the Schedule."

9. In section 18(1) of the Law –

- (a) for the definition of "**metered water**", substitute the following definition –

"**metered water**", in relation to any property, means the aggregate volume of –

- (a) any water supplied by the Department to the property by way of a metered supply, and
 - (b) any water supplied to the property from a private water supply on which a private supply meter is installed," and
- (b) insert the following definitions in the appropriate alphabetical order –

"**private supply meter**", in relation to any private water supply, means a meter that –

- (a) is installed by the Department on the private water supply –

- (i) under section 5(1B), or
 - (ii) by way of replacement for a meter installed under section 5(1B)",
- (b) is in good working order, and
- (c) correctly and accurately measures the volume of water supplied from the private water supply,"

"private water supply" means a supply of water other than water supplied by the Department," and

"with a private water supply", in relation to any property, means the property receives or is equipped to receive a private water supply, whether or not the property is also supplied with water by the Department."

10. In the Schedule to the Law, at the end of paragraph (c), insert –

"Rate 3 - £2,000 per year for each property."

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