



Jersey

## **WATER (JERSEY) LAW 1972**

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Jersey

## WATER (JERSEY) LAW 1972

### Arrangement

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Jersey

## **WATER (JERSEY) LAW 1972<sup>1</sup>**

**A LAW** to give certain powers to, and impose certain obligations on, The Jersey New Waterworks Company Limited, to make provisions in relation to the conservation and prevention of pollution of water and to provide for ancillary matters

Commencement [[see endnotes](#)]

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### **PART 1**

#### **INTRODUCTORY**

##### **1 Interpretation**

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

“building” includes a part of a building if that part is separately occupied;

“communication pipe” means –

- (a) where premises supplied with water abut on a part of a road in which a main is laid, and a service pipe enters those premises otherwise than through the outer wall of a building abutting on the road and has a stopcock placed in those premises and as near to the boundary of that road as is reasonably practicable, so much of the service pipe as lies between the main and the stopcock;
- (b) in any other case, so much of the service pipe as lies between the main and the boundary of the road in which the main is laid,

and includes the ferrule at the junction of the service pipe with the main, and also –

- (i) where the communication pipe ends at a stopcock, that stopcock; and
- (ii) any stopcock fitted on the communication pipe between the end thereof and the main;

“Company” means The Jersey New Waterworks Company Limited registered by Act of the Royal Court dated the 11th February, 1882 in accordance with the provisions of the Loi (1861) sur les Sociétés à Responsabilité Limitée;<sup>2</sup>

“consumer” means a person supplied, or about to be supplied, with water by the Company;

“contravention” includes a failure to comply, and “contravene” shall be construed accordingly;

“cut off”, in relation to a supply of water, means stop the supply, whether by operating a tap, disconnecting pipes, or otherwise;

“dispensation period” means a period for which the Minister grants a dispensation under Article 13 of this Law;<sup>3</sup>

“house” means a dwelling-house, whether a private dwelling-house or not, and includes any part of a building if that part is occupied as a separate dwelling;

“in”, in a context referring to works in a road or in land, includes reference to works under, along or on it and, in a context referring to a sewer, drain or tunnel in a road, includes a reference to one thereunder;

“land” includes houses, buildings and structures on land, land covered with water and, in relation to the acquisition of land under Article 6 of this Law, any interest in land or water and servitudes or rights in, or over land or water;

“main” means a pipe laid by the Company for the purpose of providing a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

“micro-organism” includes any microscopic, biological entity which is capable of replication;<sup>4</sup>

“Minister” means the Minister for Planning and Environment;

“occupier” in relation to any land, means the person having the use of the land;

“owner” in relation to any land, means the person having the enjoyment of the land, either as owner or usufructuary or in the exercise of rights of dower, *franc veuvage* or otherwise;

“premises” includes land;

“prescribe” means prescribe by Order;

“risk assessment”, in relation to a treatment works, means an assessment for that treatment works, to establish whether there is or continues to be a potential danger to human health from any micro-organism, parasite or substance, in water supplied or to be supplied from the works;<sup>5</sup>

“road” has the same meaning as in the Roads Administration (Jersey) Law 1960;<sup>6</sup>

“Royal Court” means the Inferior Number of the Royal Court;

“service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

“specified area” means an area of Jersey to which Article 12(1)(b) refers;<sup>7</sup>

“supply of water for domestic purposes” means a sufficient supply for drinking, washing, cooking and sanitary purposes, but not for any bath having a capacity (measured to the centre line of the overflow pipe, or in such other manner as the Company may by bye-laws require) in excess of 50 gallons and includes –

- (a) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and
- (b) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used, a supply for watering a garden, for horses kept for private use and for washing vehicles so kept:

Provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises;

“supply of water in bulk” means a supply of water for distribution by the person or persons or body taking the supply;

“supply pipe” means so much of any service pipe as is not a communication pipe;

“trunk main” means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir, or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of Jersey to another part of Jersey or for the purpose of giving or taking a supply of water in bulk;

“water fittings” includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water-closets, soil-pans and other similar apparatus used in connection with the supply and use of water;

“wholesome water” means water which is to be regarded as wholesome according to the criteria in the Schedule;<sup>8</sup>

“year” means a calendar year.<sup>9</sup>

- (2) Where any main is laid alongside and within 60 feet of the middle of a road, then, for the purposes of the foregoing definition of “communication pipe”, the land in which the main is laid and any land between the main and the road shall be deemed to form part of that road and references in that definition to the part of the road in which the main is laid and to the boundary of the road in which the main is laid shall be construed accordingly:

Provided that, where the premises to be supplied with water lie between any such main as aforesaid and the road, only that land in which the main is laid together with any land between the main and those premises shall be deemed to form part of the road.

- (3) The States may by Regulations amend the Schedule to this Law.<sup>10</sup>

- (4) Where any provision in 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.

## **PART 2**

### **POWERS OF THE COMPANY**

#### **2 Works in connection with roads**

- (1) Subject to the provisions of this Law, the Highways (Jersey) Law 1956<sup>11</sup> and the Public Utilities Road Works (Jersey) Law 1963,<sup>12</sup> the Company may, for the purpose of laying, constructing, inspecting, repairing, renewing or removing trunk mains, mains, service pipes, plant or other works, break open any road and may remove and use the soil or other materials in any such road:

Provided that in the exercise of the powers conferred by this paragraph the Company shall cause as little inconvenience and do as little damage as possible and shall make good to all bodies and persons interested any damage done in the exercise of those powers.

- (2) All trunk mains, mains, service pipes, plant or other works which have been laid down or constructed by the Company in any road prior to the date of the coming into force of this Law, shall be deemed to have been laid down or constructed in pursuance of and in accordance with the provisions of this Law.

#### **3 Laying of pipes in land not in public ownership**

- (1) Where the Company proposes, for the purposes of its undertaking to lay down or construct any trunk main, main, service pipe, and any apparatus connected with such a pipe, or any culvert in any land not in public ownership, the Company shall serve notice of its intention so to do on every owner, lessee and occupier of that land and such notice shall contain a sufficient description of the land, shall specify the proposed route or site of the works, shall give details of any works constructed or proposed to be constructed in the land for the purpose of the inspection, maintenance and repair of the proposed works and shall advise the owner, lessee or occupier, as the case may be, of the provisions of this Article relating to the making of objections and the claiming of compensation.
- (2) Subject to the provisions of paragraph (7), any person who objects to the terms of a notice served on him or her by the Company under paragraph (1) shall, within 28 days of the date of the notice, deliver to the Minister a statement in writing of the grounds of his or her objection and the Minister, within 28 days of the delivery of the statement and after hearing the parties, shall, if the Minister is satisfied that the terms of the notice are reasonable in all the circumstances, confirm the notice or, if the Minister is not so satisfied, order that the notice be withdrawn, and shall provide each of the parties with a statement in writing of the reasons for his or her decision, which shall be final.

- (3) Any person having an interest in land the value of which is diminished in consequence of the exercise by the Company of its powers under this Article shall be entitled to recover compensation from the Company for the diminution.
- (4) Where any interest in land is subject to a hypothec –
  - (a) any compensation payable under paragraph (3) in respect of the diminution in the value of the interest shall be assessed as if the interest were not subject to the hypothec;
  - (b) a claim for any such compensation may be made by any hypothecary creditor of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
  - (c) a hypothecary creditor shall not be entitled to claim compensation under the said paragraph in respect of the hypothecary creditor's interest as such; and
  - (d) the compensation payable in respect of the interest subject to the hypothec may be paid by the Company to such of the claimants as it thinks proper and shall be applied by that claimant in such manner as the parties interested may agree, or, in default of such agreement, as may be determined by arbitration.
- (5) Any person 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 Article, not being damage which consists of the diminution of the value of an interest in land, shall be entitled to recover compensation from the Company in respect of that damage.
- (6) For the purpose of assessing compensation under this Article insofar as it is payable in respect of the diminution of the value of an interest in land –
  - (a) Article 10 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961,<sup>13</sup> shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land; and
  - (b) account shall be taken of the extent, if any, to which the value of the land has been enhanced by reason of the construction of the works.
- (7) 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 question shall be referred to and determined by a Board of Arbitrators constituted in accordance with the provisions of Article 9 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 and Articles 12 and 13 of that Law shall apply in respect of such a reference.
- (8) If no statement of objection is delivered to the Minister within the time specified in paragraph (2) or if the Minister confirms the Company's notice, the Company may make application to the Royal Court for an order that the notice be registered in the Public Registry of Contracts and such registration shall vest in the Company the rights to carry out the works specified in the notice and to have access thereto by its servants or agents at all reasonable times for the purpose of inspection, maintenance

or repair and a notice registered as aforesaid shall have like effect to a contract passed before the Royal Court and the title of the Company shall bear the date of the order of the Court.

- (9) Any trunk main, main, service pipe, and any apparatus connected with such pipe, or any culvert laid down or constructed in pursuance of this Article shall be and shall remain the property of the Company notwithstanding the fact that the land of which it forms part is not in the ownership of the Company.
- (10) Any trunk main, main, service pipe and any apparatus connected with such pipe, or any culvert laid down or constructed by the Company for the purposes of its undertaking prior to the date of the coming into force of this Law in any land not in public ownership shall be deemed to have been laid down or constructed under this Article:

Provided that this paragraph shall not extinguish any obligations of the Company under any agreement with the owner, lessee or occupier of land in respect of the laying down or construction of any of the aforesaid works in that land.

#### **4 Vesting of communication pipes and repair of such pipes and of supply pipes in roads**

- (1) All communication pipes, whether laid before or after the coming into operation of this Law, shall vest in the Company and the Company shall at its own expense carry out any necessary works of maintenance, repair or renewal of such pipes and any work on its mains incidental thereto.
- (2) The Company shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a road and may recover the expenses reasonably incurred by it in so doing as a civil debt from the owner of the premises supplied by the pipe, but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises.
- (3) If the Company fails to carry out any such necessary work with all reasonable despatch after service upon it of complaint of a defect from an owner or occupier of premises affected, it shall be guilty of an offence.

#### **5 Power to survey, and search for water on, land**

- (1) Where the Company wishes to investigate the desirability of acquiring land for any of the purposes of its undertaking, the Minister may if he or she thinks fit, on the application of the Company, authorize the Company to enter on and survey the land in accordance with the provisions of this Article:

Provided that notice of any such application shall be given by the Company to the owner and occupier of the land, and the Minister, before giving his or her authority under this paragraph, shall consider any representations made to him or her, within one month after the receipt of the notice, by any such owner or occupier.

- (2) The power to survey land conferred by this Article shall include power to carry out experimental borings or other works for the purpose of ascertaining the nature of the subsoil or the presence of underground water therein, or the quality or quantity of such water, and to reinstate the land after carrying out any such works:

Provided that the Company shall not carry out any works authorized by this paragraph on land which is occupied unless at least 24 hours' notice of its intention so to do has been given to the occupier of the land.

- (3) Where any land on which entry is made in pursuance of this Article is damaged in the exercise of any power conferred thereby, any person having an interest in the land may recover compensation in respect of that damage from the Company and where, in consequence of the exercise of such a power, any person is disturbed in his or her enjoyment of any right in or over land, the person may recover compensation in respect of the disturbance from the Company.
- (4) Nothing in this Article shall be construed as absolving the Company from any liability in respect of damage or injury caused by the escape of water from any land on which works have been carried out in pursuance of this Article, not being damage in respect of which compensation is payable under paragraph (3), to which the Company would be subject if the work had been carried out otherwise than in the exercise of statutory powers.
- (5) Where any dispute arises as to the amount of compensation payable under this Article, the question shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.
- (6) Nothing in this Article shall be construed as authorizing the carrying out of works or the abstraction of water in contravention of restrictions imposed in pursuance of Article 11 of the Water Resources (Jersey) Law 2007<sup>14</sup> or by a Drought Order made under that Law.<sup>15</sup>

## **6 Power of Company to acquire land compulsorily**

- (1) Where it appears to the States that any land should be acquired by the Company for any of the purposes of its undertaking, which expression for the purposes of this Article shall include the prevention of pollution of any water which belongs to the Company or which it is for the time being authorized to take, and that it is not possible for the Company to acquire the land by agreement on reasonable terms, the States may authorize the acquisition of, and the Company accordingly may require, that land by compulsory purchase in accordance with the provisions of this Article.
- (2) The provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, shall apply to the acquisition of land under this Article as though the definition of "acquiring authority" in Article 1(1) of that Law included a reference to the Company and, notwithstanding the provisions of Article 2 thereof that Law shall, in its application for the purpose of this Article, have effect as if –
- (a) Article 3 were deleted;

- (b) references in Articles 7, 11(2), 15(1) and 21 to the States were references to the Company;
- (c) references in the heading to, and paragraphs (1) and (2) of Article 5, in Articles 10(1)(b), 11(1) and (4), and in the heading to, and paragraph (1) of Article 19 to the public were references to the Company;
- (d) references therein to land were references which included interests under land or water;
- (e) references therein to the Greffier of the States were references to the Secretary of the Company.<sup>16</sup>

### **PART 3**

#### **SUPPLY OF WATER FOR DOMESTIC OR NON-DOMESTIC PURPOSES**

##### **7 Supply of water for domestic purposes**

- (1) Where an owner of land proposes to erect thereon buildings for which a supply of water for domestic purposes will be needed, the owner may require the Company to construct the necessary works, to lay the necessary mains to such point or points as will enable the buildings to be connected thereto at a reasonable cost and to bring water to that point or those points and, subject to paragraph (4)(a), the Company shall within a reasonable time comply with that requirement.
- (2) Subject to paragraph (3), the owner or occupier of any premises may require the Company to provide a supply of water sufficient for the domestic purposes of those premises and, subject to paragraph (4)(b), the Company shall within a reasonable time comply with that requirement:

Provided that the Company shall not be required to supply water under this paragraph –

- (a) from a trunk main or a main laid specifically for the purpose of fire fighting;
  - (b) to premises in which any of the water fittings are not in accordance with bye-laws made under Article 27.
- (3) In respect of premises which are –
    - (a) let furnished;
    - (b) let for a term not exceeding 3 months certain; or
    - (c) supplied with water in such a way that the supply cannot be discontinued without discontinuing the supply to other premises,the Company shall not be required, except by the owner of the premises, to provide a supply of water under paragraph (2).
  - (4) As a condition of complying with a requirement made under this Article, the Company may –
    - (a) in the case of a requirement under paragraph (1), require the owner to pay such sum, not exceeding the estimated cost of the work

necessary to comply with the requirement, as the Company may determine;

- (b) in the case of a requirement under paragraph (2), require the owner or occupier, as the case may be, to pay such sum, not exceeding the estimated cost of the work necessary to comply with the requirement, as the Company may determine and one quarter's water rate.
- (5) If the Company fails to comply with a requirement under paragraph (1) or (2), or fails to maintain a supply of water for domestic purposes during any period in respect of which the water rate has been paid or tendered, it shall, without prejudice to any other remedy enforceable by the person aggrieved, be guilty of an offence:

Provided that the Company shall be under no such liability if the failure to provide or maintain a supply is due to –

- (a) frost, drought, unavoidable accident or other unavoidable cause, or the execution of necessary works; or
  - (b) the failure of the person aggrieved to comply with any Order or bye-law made under this Law.
- (6) Any question arising under this Article regarding any terms and conditions on which water is to be supplied thereunder and any question whether the Company is justified in refusing to provide a supply shall, in default of agreement be referred to the Minister, which may determine the question.

## **8 Constancy and pressure of supply**

- (1) The Company shall cause the water in all pipes which are used for providing supplies for domestic purposes to be laid on constantly and at a sufficient pressure for the domestic purposes of all premises to which such a supply is provided.
- (2) If the Company fails to comply with the requirements of paragraph (1), except when prevented by frost, drought, unavoidable accident or other unavoidable cause, or the execution of necessary works, it shall, without prejudice to any other remedy enforceable by the person aggrieved, be guilty of an offence:

Provided that only one prosecution for the recovery of a fine shall be instituted under this paragraph in respect of the same period of failure.

## **9 Sufficiency and wholesomeness of water**

- (1) The Company shall provide in its mains and communication pipes a supply of wholesome water sufficient for the domestic purposes of all owners and occupiers of premises who are entitled under this Law to require a supply for those purposes.
- (2) If the Company fails to comply with the requirements of paragraph (1), except when prevented by frost, drought, unavoidable accident or other

unavoidable cause, or the execution of necessary works, it shall, without prejudice to any other remedy enforceable by the person aggrieved, be guilty of an offence.

#### **10 Duty of company to monitor<sup>17</sup>**

- (1) In the year 2005 and in each subsequent year the Company shall in accordance with a programme of yearly monitoring, to be formulated by the Company and subject to the approval of the Minister, sample the water supplied by the Company.
- (2) The purpose of the sampling shall be to determine whether the requirements of paragraph 2 of the Schedule are complied with.
- (3) A monitoring programme under this Article may provide for the taking of samples –
  - (a) on land which is not in the ownership of the Company; or
  - (b) from pipes or taps which are not in the ownership of the Company.
- (4) The Company shall submit its monitoring programme for each year to the Minister for his or her approval.
- (5) The Company shall comply with paragraph (4) by the first day of July in the year immediately preceding the one in which the monitoring programme is to apply.
- (6) If required by the Minister to do so, the Company shall submit a report in writing of its monitoring under this Article (including the results of the analysis of any samples taken) to the Minister.

#### **11 Risk assessment<sup>18</sup>**

- (1) If the Company proposes to bring into operation on or after the first day of July 2004 a treatment works from which it intends to supply water for domestic purposes, it shall carry out a risk assessment in respect of that works before bringing the works into operation.
- (2) The Minister may at any time by notice in writing to the Company require it to carry out a risk assessment, by a date specified in the notice, in respect of any treatment works from which water is supplied for domestic purposes.
- (3) If the Company becomes aware of any factor which makes it more likely that a risk assessment will establish that there is a potential danger to human health from any micro-organism, parasite or substance in water supplied or to be supplied by the Company for domestic purposes, it shall immediately notify the Minister in writing.
- (4) If the Company carries out a risk assessment, it shall submit a report in writing of the assessment to the Minister as soon as reasonably practicable.

**12 Application for dispensation<sup>19</sup>**

- (1) The Company may in writing apply to the Minister for a dispensation from the requirements of paragraph 2 of the Schedule, as far as they relate to –
  - (a) a parameter specified in Table A or Table B in the Annex to that Schedule; and
  - (b) the supply of water by the Company to any specified area of Jersey,  
on the grounds specified in paragraph (2) of this Article.
- (2) The grounds to which this paragraph refers are –
  - (a) that the dispensation is necessary to maintain a supply of water for domestic purposes;
  - (b) that a supply of water for those purposes cannot be maintained in the specified area by any other reasonably practicable means; and
  - (c) that the supply of water in accordance with the dispensation does not constitute a potential danger to human health.
- (3) The Company shall provide with its application –
  - (a) the Company's proposals as to the duration of the period for which the dispensation is sought;
  - (b) a summary of the steps which the Company proposes to take in Order to secure that the supply to the specified area will at the end of the dispensation period fully satisfy the requirements of paragraph 2 of the Schedule;
  - (c) a scheme for monitoring the quality of water supplied in the specified area during the period for which the dispensation is sought; and
  - (d) any other supporting information which the Minister may reasonably require to determine the application.
- (4) The summary shall include an estimate of the costs of any works involved, and a timetable for those works.
- (5) The requirements of this Article for monitoring are additional to those in Article 10.
- (6) An application under this Article may be made more than once in the same circumstances.

**13 Granting of dispensation<sup>20</sup>**

- (1) The Minister may grant an application under Article 12 for a dispensation if (but only if) –
  - (a) he or she is satisfied that each of the grounds specified in paragraph (2) of that Article is established; and
  - (b) he or she approves the scheme for monitoring provided with the application.

- (2) When considering the application, the Minister shall have regard to any relevant Water Catchment Management Order made under the Water Pollution (Jersey) Law 2000.<sup>21</sup>
- (3) In granting the application, the Minister shall specify –
  - (a) the parameters and the area to which the dispensation applies; and
  - (b) the period for which it shall have effect.
- (4) The period shall be one which is in the Minister's opinion reasonably required for securing a supply of water that fully satisfies the requirements of paragraph 2 of the Schedule to this Law.
- (5) Paragraph (4) does not prevent the Minister, on another application under Article 12, from granting a further dispensation under this Article in the same circumstances.

#### **14 Conditions of dispensation<sup>22</sup>**

- (1) A dispensation under Article 13 shall be subject to the following conditions –
  - (a) the Company must implement the approved scheme for monitoring during the dispensation period the quality of water supplied in the specified area;
  - (b) the Company must carry out such steps as it is, in the opinion of the Minister, reasonably practicable for the Company to take in Order to secure that the supply will at the end of the dispensation period fully satisfy the requirements of paragraph 2 of the Schedule; and
  - (c) if required by the Minister to do so, the Company shall submit a report in writing of its monitoring under this Article (including the results of the analysis of any samples taken) to the Minister.
- (2) A monitoring scheme under this Article may provide for the taking of samples –
  - (a) on land which is not in the ownership of the Company; or
  - (b) from pipes or taps which are not in the ownership of the Company.

#### **15 Effect of dispensation<sup>23</sup>**

- (1) If the Company is granted a dispensation under Article 13 and it complies with the conditions in Article 14 in respect of that dispensation, it shall not during the dispensation period be guilty of an offence under Article 9(2) by reason only that it fails to comply with a relevant requirement of Article 9(1).
- (2) In paragraph (1) of this Article, “a relevant requirement” means a requirement in paragraph 2 of the Schedule to which the dispensation relates.

**16 Modification and revocation of dispensation<sup>24</sup>**

- (1) The Minister may modify or revoke a dispensation granted under Article 13.
- (2) Before doing so, the Minister shall give at least 6 months' notice in writing to the Company.
- (3) Paragraph (2) does not apply if it appears to the Minister that immediate modification or revocation is required in the interests of public health.

**17 Appeals under this part<sup>25</sup>**

If the Company is aggrieved by –

- (a) a refusal by the Minister to approve a monitoring programme under Article 10;
- (b) a refusal by the Minister to grant a dispensation under Article 13 or to modify a dispensation under Article 16; or
- (c) the modification or revocation of a dispensation under Article 16,

the Company may, within 28 days of the date on which it is informed by the Minister of his or her decision, appeal to the Royal Court and the Royal Court may, as it thinks fit, uphold or dismiss the appeal.

**18 Public notice of dispensation<sup>26</sup>**

- (1) If a dispensation –
  - (a) is granted under Article 13 or Article 17; or
  - (b) is modified or revoked under Article 16 or 17,the Minister shall as soon as reasonably practicable give public notice (whether by notice in the Jersey Gazette or otherwise) of that fact.
- (2) In the case of a grant or modification of a dispensation, the notice shall include a summary of the terms of the dispensation or its modification.

**19 Consultation on health issues<sup>27</sup>**

- (1) If any question of human health or public health or of any other health-related issue arises on a consideration by the Minister of any matter under any of Articles 10, 11, 12, 13, 14 and 16, the Minister shall consult the Minister for Health and Social Services.
- (2) If a dispensation –
  - (a) is granted under Article 13 or Article 17; or
  - (b) is modified or revoked under Article 16 or Article 17,the Minister shall as soon as reasonably practicable notify the Minister for Health and Social Services in writing of the terms and conditions of the dispensation.

**20 Supply of water for non-domestic purposes**

- (1) Subject to the provisions of this Article, the Company shall, within a reasonable time and on reasonable terms and conditions supply water for purposes other than domestic purposes to the owner or occupier of any premises who requests the Company to provide such a supply to those premises:

Provided that the Company shall not be required to provide such a supply if the provision thereof would endanger the ability of the Company to meet existing obligations to supply water for any purposes, or probable future requirements to supply water for domestic purposes, without having to incur unreasonable expenditure in constructing new waterworks for the purpose.

- (2) Any question arising under paragraph (1) as to the terms and conditions on which water is to be supplied thereunder and any question whether the Company is justified in refusing to provide a supply shall, in default of agreement, be referred to the Minister, who may determine such question.
- (3) Where the terms and conditions on which a supply of water is to be provided to any person under this Article have been agreed or determined, and that person has done everything which he or she is required by such agreement or determination to do before the supply is provided, the Company, if it fails to furnish the supply within such period as may be agreed or determined, or fails to maintain the supply in accordance with the said terms and conditions, shall, without prejudice to any other remedy enforceable by the party aggrieved, be guilty of an offence:

Provided that the Company shall be under no such liability if the failure to provide or maintain a supply is due to –

- (a) frost, drought, unavoidable accident or other unavoidable cause or the execution of necessary works; or
- (b) the failure of the person aggrieved to comply with any Order or bye-law made under this Law.
- (4) Article 21 shall apply in relation to charges for water supplied under this Article, whether by meter or otherwise, in like manner as it applies in relation to water rates.

**20A Restrictions of supply<sup>28</sup>**

Nothing in any of Articles 7, 8, 9 and 20 of this Law shall be construed as imposing on the Company any obligation to supply water in contravention of any restriction imposed by or under the Water Resources (Jersey) Law 2007<sup>29</sup>.

**PART 4**  
**WATER RATES**

**21 Liability for, and recovery of, water rates**

- (1) Subject to the provisions of Article 23, and without prejudice to any agreement between the Company and a consumer subsisting on the date of the coming into force of this Law, water rates payable to the Company shall be payable and recoverable in accordance with the provisions of this Article and not otherwise.
- (2) The water rate for a supply of water to any premises shall be payable by the person requiring the Company to provide the supply and, except where the supply is metered, shall be payable quarterly in advance.
- (3) The water rate payable by any person may after a demand therefor be recovered from the person by the Company as a civil debt and, subject to the provisions of paragraph (4), where a person fails to pay within 28 days after a demand therefor any instalment of a water rate payable by the person in respect of any premises, the Company may cut off the supply of water to the premises:

Provided that if, before the expiration of the said 28 days, notice in writing is given to the Company that there is a dispute as to the amount due in respect of the water rate, or as to the liability to pay the rate, the supply of water shall not be cut off until the dispute has, on the application of either party, been determined by the Minister.

- (4) The Company shall not cut off the supply of water to any premises by reason of the failure of the owner of the premises, who is not himself or herself the occupier thereof, to pay on the due date any instalment of water rate which the owner is liable in accordance with this Article to pay in respect of those premises but, without prejudice to the right of the Company to enforce payment by the owner, that instalment may be recovered by the Company either from the owner for the time being of the premises or from the occupier for the time being of the premises out of any rent which is then due, or which may thereafter become due, from the occupier to the owner:

Provided that –

- (a) no greater sum shall be recoverable at any one time from the occupier than the amount of rent which is owed by the occupier; and
  - (b) the occupier, as between himself or herself and the owner of the premises, shall be entitled to deduct from the rent payable by the occupier to the owner any sum paid by the occupier to the Company in accordance with the provisions of this paragraph.
- (5) If any water supply is cut off by the Company in contravention of the provisions of this Article, the Company shall be liable to a fine not exceeding £200 for each day during which the water remains cut off.<sup>30</sup>

- (6) In this Article, the expression “water rate” includes any charge for water supplied by the Company and any additional charge payable to the Company in respect of a supply of water for any purposes.

## **22 Notices of cutting off of water supply to inhabited house**

Where, in the exercise of its powers under Article 21 or for any other reason, the Company proposes to cut off the supply of water to an inhabited house, it shall, not later than 48 hours before that supply is to be cut off, give notice of its intention so to do to the Medical Officer of Health and the Connétable of the parish in which the house is situated and, if it fails to do so, the Company shall be guilty of an offence.

## **23 Power of States in connection with water rates and charges**

- (1) Where it appears to the States to be necessary so to do in the public interest, the States may by Regulations –
- (a) determine the water rates and charges to be made by the Company in respect of water which it supplies; and
  - (b) specify the manner in which water rates and charges are to be assessed and make provisions incidental thereto:

Provided that any Regulations made under this Article, unless previously renewed by the States, shall lapse after 12 months from the date on which they come into force.

- (2) In determining water rates and charges, the States shall have regard to the following matters –
- (a) the present needs of the Company and the future expansion of services provided by the Company;
  - (b) the ability of the Company so long as its undertaking is managed efficiently to pay –
    - (i) interest on any debentures or bonds charged on the real property of the Company,
    - (ii) a dividend on the preference shares issued by it at the rate fixed under the terms of issue of such shares, and
    - (iii) a reasonable dividend on the ordinary shares issued by it;
  - (c) any capital expenditure which the Company may reasonably be expected to incur during the next 5 years and the desirability of the Company’s charging such expenditure, or any part thereof, to revenue;
  - (d) the ability of the Company to pay all proper expenses of and connected with the working, management and maintenance of the Company;
  - (e) the provision of any contributions, whether set apart out of revenue or otherwise, which the Company may lawfully carry to a reserve, contingency or amortization fund;

- (f) the ability of the Company to make good depreciation, whether or not provision therefor is made by a reserve or contingency fund; and
- (g) the ability of the Company to meet all other costs, charges and expenses, if any, properly chargeable to revenue.

## **PART 5**

### **CONSERVATION AND PROTECTION OF WATER RESOURCES**

**24** <sup>31</sup>

**25 Power to prohibit or restrict temporarily use of water for non-essential purposes**

- (1) Where the Company is of opinion that a serious deficiency of water available in any part of Jersey exists or is threatened, it may, for such period as it thinks necessary, prohibit or restrict as respects the whole or any part of Jersey the use for watering gardens, washing motor vehicles, filling swimming pools or other non-essential purposes of any water supplied by it.
- (2) Before any prohibition or restriction under paragraph (1) comes into force, the Company shall inform the Minister and shall cause to be published in the Jersey Gazette a notice of the prohibition or restriction and the date when it will come into force and such notice shall be certified by the Greffier of the States as being a notice published in pursuance of this requirement.
- (3) Any person who, whilst the prohibition or restriction is in force, contravenes any of its provisions shall be guilty of an offence.
- (4) During any period when a prohibition or restriction imposed under this Article is in force, any person duly authorized in that behalf by the Company may, on producing if so required evidence of his or her authority, at all reasonable hours enter any premises to which the prohibition or restriction applies for the purpose of ascertaining whether there is or has been any contravention of the prohibition or restriction.

**26** <sup>32</sup>

**27 Bye-laws for preventing waste, misuse or contamination of water**

- (1) Subject to the approval of the Minister, the Company may make bye-laws for preventing waste, undue consumption, misuse or contamination of water supplied by it and, without prejudice to the generality of the foregoing, such bye-laws may include provisions –

- (a) specifying the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used; and
  - (b) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement or contamination of water or reverberation in pipes.
- (2) If a person contravenes the provisions of any bye-law made under paragraph (1), the Company may, without affecting such person's liability to a fine in respect of such contravention, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the bye-laws to be altered, repaired or replaced and may recover the expenses reasonably incurred by it in so doing from the person in default as a civil debt.

## **28 Bye-laws for protecting against pollution any water of the Company**

- (1) If it appears to the Company to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, which belongs to it or which it is for the time being authorized to take, it may, subject to the approval of the Minister, make bye-laws –
- (a) defining the area within which it deems it necessary to exercise control;
  - (b) prohibiting or regulating the doing within that area of any act specified in the bye-laws; and
  - (c) empowering any duly authorized officer or employee to take such action as may be specified in the bye-laws for the purpose of safeguarding water against pollution,
- and different provisions may be contained in the bye-laws in respect of different parts of the area so defined.
- (2) Where an area has been defined by bye-laws under this Article, the Company may by notice require either the owner or the occupier of any land within that area to execute and keep in good repair such works as it considers necessary for preventing pollution of its water.
- (3) A person who considers that a requirement made on him or her by notice served under paragraph (2) is unreasonable may, within 28 days after service of the notice, appeal to the Minister and the Minister may, if he or she decides, after hearing both parties, that the requirement is unreasonable, modify or disallow the requirement.
- (4) The Company shall pay compensation to the owners and occupiers of, and other persons interested in, any land within the area defined by bye-laws made under this Article, not being land on which any cause of pollution arises, in respect of –
- (a) any curtailment or injurious affection of their legal rights by restrictions imposed by the bye-laws; and
  - (b) any expenses incurred by them in complying with a requirement to execute and maintain any works,

and any question as to the amount of compensation to be paid shall be referred to an arbitrator to be appointed, in default of agreement, by the Minister.

- (5) Subject to the provisions of paragraph (3), any person who has failed to comply with a requirement made on him or her by notice served under paragraph (2), or with such a requirement as modified, shall be guilty of an offence and shall be liable to the same penalties as if the person had committed an act prohibited by the bye-laws and, whether or not any proceedings are taken in respect of the offence, the Company may execute and keep in good repair the works specified in the requirement as originally made or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred by it in so doing from the person in default as a civil debt.

## **29 Penalty for polluting water**

- (1) Any person who, by any wilful act, default or omission, pollutes any water which is used or is likely to be used for human or animal consumption, for domestic purposes, for manufacturing food or drink for human consumption or for irrigating land used for growing crops shall, without prejudice to any other remedy enforceable by the person aggrieved, be guilty of an offence.
- (2) Without prejudice to the provisions of paragraph (1), where there are reasonable grounds for supposing that a contravention of that paragraph has occurred or is likely to occur in relation to water for the time being belonging to the Company or which it is authorized to take, any officer or employee of the Company, duly authorized by the Company for that purpose, may, on producing if so required evidence of his or her authority, at all reasonable times enter on any land and may, with the agreement of the occupier of the land, take such steps as may be necessary to prevent the pollution or the continuation of the pollution, as the case may be.

## **PART 6**

### **CERTAIN POWERS OF MINISTER**

## **30 Power to instruct Company to carry out surveys and make reports**

- (1) The Minister may instruct the Company to –
- (a) carry out a survey of the existing consumption of and demand for water in Jersey, or in any particular part of Jersey, of the means by which such water supplies are obtained and of the water resources in, or available for, Jersey, or that part;
- (b) prepare an estimate of the future water supply requirements of Jersey or of any particular part of Jersey,

and to submit to the Minister a report on such matters in such form and within such time as the Minister may direct and the Minister shall pay to the Company such an amount as the Minister deems reasonable in respect of the costs incurred by the Company in carrying out the Minister's instructions.

- (2) In pursuance of an instruction under paragraph (1), the Company may by notice require the owner or occupier of any land to keep such records, and to furnish such returns, of the quantity and quality of water abstracted for purposes other than domestic purposes of the owner or occupier's household from any source, and of such other matters relating to the source, as may be specified in the requirement and the Company shall pay to that person any costs reasonably incurred by the owner or occupier in complying with the requirement.
- (3) A person who considers that a requirement made on him or her by notice served under paragraph (2) is unreasonable may, within 28 days after the service of the notice, appeal to the Minister and the Minister may, if he or she decides after hearing both parties that the requirement is unreasonable, modify or disallow the requirement.
- (4) Subject to the provisions of paragraph (3), any person who fails to comply with any requirement made by notice served under paragraph (2), or with such a requirement as modified, shall be guilty of an offence.

### **31 Default powers of Minister**

- (1) Where the Minister (whether on a complaint by a consumer or otherwise, and after making due enquiry and hearing the complainant, if any, and in any event the Company), is satisfied that the Company has failed –
  - (a) to provide an adequate supply of wholesome water; or
  - (b) to do anything which it is required to do by or under this Law,the Minister may declare the Company to be in default and may direct that such default shall be made good in such manner and within such time as the Minister may require.<sup>33</sup>
- (2) If the Company is aggrieved by any direction given by the Minister under paragraph (1), it may, within 28 days of the date on which the directions were given to the Company, appeal to the Royal Court and the Royal Court may, as it thinks fit, uphold or dismiss the appeal or vary the directions given by the Minister.<sup>34</sup>
- (3) Where an appeal is brought by the Company under this Article, the directions given by the Minister under paragraph (1) thereof shall have effect only from the date on which the appeal is dismissed or abandoned or, where any such directions are varied by the Royal Court, from the date of the order of the Royal Court.
- (4) If the Company fails to comply with any direction given by the Minister, or with any such direction as varied by the Royal Court, it shall be guilty of an offence and, whether or not any proceedings are taken in respect of the offence, the Minister may himself or herself carry out any work necessary to remedy the default of the Company, and may recover as a civil debt from the Company the expense incurred in so doing.

**32 Company's accounts**

- (1) The Company shall each year prepare an abstract of the accounts of its undertaking for the preceding year, showing under the appropriate heads its income and expenditure, the amount standing to the credit of any reserve or contingency fund and the balances brought forward and carried forward respectively, and the abstract so prepared shall be signed by the Chairman of the Company and certified by the Company's auditors.
- (2) The Minister may give directions as to the form of the abstracts to be prepared by the Company.
- (3) A copy of the said abstract so signed and certified and a copy of the balance sheet of the Company for the year to which the abstract relates shall be transmitted as soon as may be to the Minister.
- (4) If any of the forgoing provisions of this Article are not complied with, the Company shall be guilty of an offence.

**PART 7****GENERAL****33 False information**

Any person who, in keeping any record or journal or in furnishing any return, abstract or information which the person is required by or under this Law to keep or furnish, knowingly or recklessly makes any statement which is false in a material particular shall be guilty of an offence.

**34 Penalties for offences**

Any person guilty of an offence under this Law, or under any Order or Regulations made under this Law, shall, except where the provision by or under which the offence is created provides for a penalty to be imposed, be liable to a fine not exceeding £2,000 and, in the case of a continuing offence, to a further fine not exceeding £200 for each day during which the offence is continued.<sup>35</sup>

**35 Entry on land**

- (1) Subject to the provisions of this Article, any person duly authorized in that behalf by the Company shall, on producing, if so required, evidence of his or her authority, have a right to enter any land at all reasonable hours for the purpose of –
  - (a) inspecting and examining meters used by the Company for measuring the water supplied and of ascertaining therefrom the quantity of water consumed;
  - (b) ascertaining whether there is or has been, on or in connection with that or any other land, any contravention of the provisions of this Law or of any Order or bye-laws made thereunder;

- (c) ascertaining whether or not circumstances exist which would authorize the Company to take any action, or execute any work, under this Law or any such Order or bye-laws;
  - (d) taking any action, or executing any work, which the Company is authorized or required by this Law, or any such Order or bye-laws, to take or execute.
- (2) Any person who wilfully obstructs any person upon whom a right of entry has been conferred by this Article or by any other provision of this Law, or any Order or bye-law made thereunder, shall be guilty of an offence and shall be liable to a fine not exceeding £200.<sup>36</sup>

### **36 Documents to be in writing**

All notices, consents, approvals, demands and other documents authorized or required by or under this Law to be served, given, made or issued by the Minister or by the Company, and all notices and applications authorized or required by or under this Law to be served on, given or made to, the Minister or the Company, shall be in writing.

### **37 Authentication of documents**

- (1) Any notice, consent, approval, demand or other document which the Company is authorized or required by or under this Law to serve, give, make or issue may be signed on behalf of the Company –
- (a) by the Manager or Secretary of the Company;
  - (b) by any other officer of the Company authorized by it in writing to sign documents of the particular kind or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of any person expressed to hold an office by virtue of which the person is under this Article empowered to sign such a document, or expressed to be duly authorized by the Company to sign such a document or, as the case may be, the particular document, shall, for the purposes of this Law and of any Order or bye-laws made thereunder, be deemed, until the contrary is proved, to be duly served, given, made or issued by the authority of the Company.
- (3) In paragraph (2), the expression “signature” includes a facsimile of a signature by whatever process reproduced.

### **38 Service of documents**

- (1) Subject to the provisions of this Article, any notice, consent, approval, demand or other document required or authorized by or under this Law to be served on any person may be served –
- (a) by delivering it to that person;
  - (b) by leaving it at the person’s proper address;
  - (c) by registered post; or
  - (d) by the recorded delivery service.

- (2) Any notice, consent, approval, demand or other document required or authorized by or under this Law to be served on a person being a corporation shall be duly served if it is served on the secretary or clerk of the corporation.
- (3) For the purposes of this Article, and of Article 7 of the Interpretation (Jersey) Law 1954 in its application to this Article, the proper address of any person on whom such a document as is mentioned in paragraph (1) of this Article is to be served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation and, in any other case, be the usual or last-known place of abode of the person on whom the document is to be served:

Provided that, where the person on whom such a document as is mentioned in paragraph (1) is to be served has furnished an address for service in accordance with arrangements agreed to in that behalf, the person's proper address for the purposes aforesaid shall be the address furnished.

- (4) If the name or address of any owner, lessee or occupier of any premises on whom any such document as aforesaid is to be served cannot after reasonable enquiry be ascertained by the person seeking to serve the document, it may be served by addressing it to him or her by the description of "owner", "lessee" or "occupier" of the premises (describing them) to which the notice relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

### **39 Proof of resolutions, etc.**

In any proceedings under this Law, a document purporting to be certified on behalf of the Company as a copy of a resolution or bye-law passed or made by it on a specified date, or as a copy of the appointment of, or of an authority given to, an officer of the Company on a specified date, shall be evidence that that resolution, bye-law, appointment or authority was duly passed, made or given by the Company on the said date.

### **40 Duty of the Company to give notice of certain works**

The Company, before commencing to execute repairs or other work which will cause any material interference with the supply of water, shall, except in a case of emergency, give to all consumers likely to be affected such notice as is reasonably practicable, whether by notice in the Jersey Gazette or otherwise, and shall complete the work with all reasonable dispatch.

### **41 Bye-laws**

- (1) The provisions of the Subordinate Legislation (Jersey) Law 1960<sup>37</sup> shall apply to bye-laws made by the Company and approved by the Minister

under this Law and the Minister shall cause the bye-laws to be laid before the States.

- (2) Immediately after any bye-laws made by the Company under this Law have been approved by the Minister, the Secretary of the Company shall cause the bye-laws to be printed and shall cause to be published in the Jersey Gazette a notice stating that the bye-laws have been made, the date on which the bye-laws come into force and the place at which printed copies may be purchased:

Provided that printed copies of the bye-laws shall be available for inspection at the registered office of the Company at all reasonable hours.

- (3) Bye-laws made by the Company under this Law may contain provisions for imposing on any person contravening the bye-laws a fine not exceeding £200 in respect of each contravention and, in the case of a continuing contravention, a further fine not exceeding £50 for each day during which the contravention continues.<sup>38</sup>

#### **42 Orders**

- (1) The Minister may by Order prescribe anything which he or she may under this Law prescribe.
- (2) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made under this Law.

#### **43 Citation**

This Law may be cited as the Water (Jersey) Law 1972.

**SCHEDULE<sup>39</sup>**

(Article 1(1), (3))

**MEANING OF “WHOLESOME WATER”**

1. In this Schedule and its Annex, unless the context otherwise requires –
  - “indicator parameter” means a parameter listed in Table C in the Annex;
  - “parameter” means a property, element, organism or substance listed in the second column of Table A, Table B or Table C in the Annex (as read, where appropriate, with the notes);
  - “pesticides and related products” means –
    - (a) any organic insecticide;
    - (b) any organic herbicide;
    - (c) any organic fungicide;
    - (d) any organic nematocide;
    - (e) any organic acaricide;
    - (f) any organic algicide;
    - (g) any organic rodenticide;
    - (h) any organic slimicide; and
    - (i) any product related to any of sub-paragraphs (a) to (h) (inclusive) of this definition (including any growth regulator),and also means their relevant metabolites, degradation and reaction products;
  - “prescribed concentrations or values”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in Table A or Table B in the Annex, as measured by reference to the unit of measurement so specified (as read, where appropriate, with the notes);
  - “relevant metabolite, degradation and reaction products” mean any metabolites, degradation and reaction products which exhibit similar or enhanced pesticidal properties to their parent pesticide or exhibit significant toxicological properties.
- 2-(1) Water shall be regarded as wholesome if but only if the requirements of sub-paragraph (2) of this paragraph are satisfied, but this sub-paragraph is subject to sub-paragraphs (3) and (4) of this paragraph.
- (2) The requirements of this sub-paragraph are that –
  - (a) the water does not contain any micro-organism (other than a parameter) or parasite, or any substance (other than a parameter), at a concentration or value which would constitute a potential danger to human health;

- (b) the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other substance it contains (whether or not a parameter), would constitute a potential danger to human health;
- (c) the water does not contain concentrations or values of the parameters listed in Tables A and B in the Annex in excess of, or as the case may be, less than the prescribed concentrations or values; and
- (d) the water satisfies the formula  $[\text{nitrate}]/50 + [\text{nitrite}]/3 < 1$ , where the square brackets signify the concentrations in mg/l for nitrate (NO<sub>3</sub>) and nitrite (NO<sub>2</sub>) respectively.<sup>40</sup>
- (3) Water shall not be regarded as wholesome if, on transfer from a treatment works for supply for domestic purposes –
- (a) it contains a concentration of the coliform bacteria or *E. coli* parameter (items 3 and 4 in Table A in the Annex) in excess of the prescribed concentrations; or
- (b) it contains a concentration of nitrite in excess of 0.1mgNO<sub>2</sub>/l.
- (4) Water shall not be regarded as wholesome if, on transfer from a service reservoir for supply for domestic purposes, it contains a concentration of the coliform bacteria or *E. coli* parameter in excess of the prescribed concentrations.
- (5) However, water transferred from a service reservoir shall not be regarded as unwholesome because the maximum concentration for the coliform bacteria parameter is exceeded if, as regards the samples taken in any year in which the reservoir in question is in use, the results of analysis for that parameter establish that in at least 95% of those samples coliforms were absent.

ANNEX  
TABLE A  
Microbiological Parameters

Item	Parameters	Concentration or value (maximum)	Units of Measurement
1.	Enterococci	0	number/100ml
2.	Escherichia Coli ( <i>E. coli</i> )	0	number/100ml
3.	Coliform bacteria	0	number/100ml
4.	Escherichia coli ( <i>E. coli</i> )	0	number/100ml

TABLE B  
Chemical Parameters

Item	Parameters	Concentration or value (maximum)	Units of Measurement	Notes
1.	Acrylamide	0.10	µg/l	<i>a</i>
2.	Antimony	5.0	µgSb/l	
3.	Arsenic	10	µgAs/l	
4.	Benzene	1.0	µg/l	
5.	Benzo(a)pyrene	0.010	µg/l	
6.	Boron	1.0	mgB/l	
7.	Bromate	10	µgBrO <sub>3</sub> /l	
8.	Cadmium	5.0	µgCd/l	
9.	Chromium	50	µgCr/l	
10.	Copper	2.0	mgCu/l	
11.	Cyanide	50	µgCN/l	
12.	1,2 dichloroethane	3.0	µg/l	
13.	Epichlorohydrin	0.10	µg/l	<i>a</i>
14.	Fluoride	1.5	mgF/l	
15.	Lead	(a) 25, from 1st January 2004 until immediately before 25th December 2013	µgPb/l	
		(b) 10, on and after 25th December 2013	µgPb/l	

Item	Parameters	Concentration or value (maximum)	Units of Measurement	Notes
16.	Mercury	1.0	µgHg/l	
17.	Nickel	20	µgNi/l	
18.	Nitrate	50	mgNO <sub>3</sub> /l	<i>b</i>
19.	Nitrite	0.50 0.10	mgNO <sub>2</sub> /l	<i>b</i>
20.	Pesticides aldrin dieldrin heptachlor heptachlor epoxide	0.03 0.03 0.03 0.03	µg/l µg/l µg/l µg/l	<i>c and d</i>
	Other pesticides	0.10	µg/l	
21.	Pesticides: Total	0.50	µg/l	<i>e</i>
22.	Polycyclic aromatic hydrocarbons	0.10	µg/l	<i>f</i>
23.	Selenium	10	µgSe/l	
24.	Tetrachloroethene and Trichloroethene	10	µg/l	<i>g</i>
25.	Trihalomethanes: Total	100	µg/l	<i>h</i>
26.	Vinyl chloride	0.50	µg/l	<i>a</i>
27.	Aluminium	200	µgAl/l	
28.	Colour	20	mg/lPt/Co	
29.	Hydrogen ion	10.0 6.5 (minimum)	pH value pH value	
30.	Iron	200	µgFe/l	
31.	Manganese	50	µgMn/l	
32.	Odour	3 at 25°C	Dilution number	
33.	Sodium	200	mgNa/l	

Item	Parameters	Concentration or value (maximum)	Units of Measurement	Notes
34.	Taste	3 at 25°C	Dilution number	
35.	Tetrachloromethane	3	µg/l	
36.	Turbidity	4	NTU	

**Notes:**

- a* The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water. This is controlled by product specification.
- b* See also paragraph 2(2)(d).
- c* See the definition 'pesticides and related products' in paragraph 1.
- d* The parametric value applies to each individual pesticide.
- e* 'Pesticides: Total' means the sum of the concentrations of the individual pesticides, and any relevant metabolites, degradation and reaction products, detected and quantified in the samples taken on a particular sampling occasion from the same sample.
- f* The specified compounds are –  
 -benzo(b)fluoranthene;  
 -benzo(k)fluoranthene;  
 -benzo(ghi)perylene; and  
 -indeno(1,2,3-cd)pyrene.  
 The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.
- g* The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.
- h* The specified compounds are –  
 -chloroform;  
 -bromoform;  
 -dibromochloromethane; and  
 -bromodichloromethane.  
 The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

TABLE C  
Indicator Parameters

Item	Parameters	Concentration or value (maximum) or State	Units of Measurement	Notes
1.	Ammonium	0.50	mgNH <sub>4</sub> /l	
2.	Chloride	250	mgCl/l	<i>a</i>
3.	Clostridium perfringens (including spores)	0	number/100ml	
4.	Coliform bacteria	0	number/100ml	
5.	Colony counts	No abnormal change	number/1ml at 22°C number/1ml at 37°C	
6.	Conductivity	2500	μ S/cm at 20°C	<i>a</i>
7.	Sulphate	250	mgSO <sub>4</sub> /l	<i>a</i>
8.	Total indicative dose (for radio-activity)	0.10	mSv/year	<i>b</i>
9.	Total organic carbon (TOC)	No abnormal change	mgC/l	
10.	Tritium (for radioactivity)	100	Bq/l	
11.	Turbidity	1	NTU	

**Notes:**

*a* The water should not be aggressive.

*b* Excluding tritium, potassium-40, radon and radon decay products.”.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Water (Jersey) Law 1972	L.15/1972	1 April 1973 (R&O.5798)
Queen's Valley Reservoir (Jersey) Law 1988	L.10/1988	17 June 1988
Water (Amendment) (Jersey) Law 1990	L.7/1990	1 June 1990
Water Pollution (Jersey) Law 2000	L.14/2000	2 June 2000, 26 November 2000 <sup>41</sup>
Water (Amendment No. 2) (Jersey) Law 2003	L.41/2003	14 November 2003 (Article 3, so far as it inserts new Articles 9C, 9D, 9E, 9G, 9H, 9I and 9J in the principal Law) 1 January 2004 (remainder)
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005
Water Resources (Jersey) Law 2007	L.29/2007	1 January 2009

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
PART I	PART 1
1(2A)	1(3)
1(3)	spent, omitted from this revised edition
PART II	PART 2
2(3)	spent, omitted from this revised edition
6(2)(ba)	6(2)(c)
(bb)	(d)
(c)	(e)
PART III	PART 3
9A	10
9B	11
9C	12
9D	13
9E	14
9F	15
9G	16
9H	17
9I	18
9J	19

Original	Current
10	20
PART IV	spent, omitted from this revised edition
11	spent, omitted from this revised edition
PART V	PART 4
12	21
13	22
14	23
PART VI	PART 5
15	24
16	25
16A	26
17	27
18	28
19	29
PART VII	PART 6
20	30
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PART VIII	PART 7
23	33
24	34
25	35
26	36
27	37
28	38
29	39
30	40
31	41
32	42
33	43
33(2)	spent, omitted from this revised edition

### Table of Endnote References

- <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 L.1/1861*
- <sup>2</sup> *definition “dispensation period” inserted by L.41/2003*
- <sup>3</sup> *Article 1(1) definition “micro-organism” inserted by L.41/2003*
- <sup>4</sup> *Article 1(1) definition “risk assessment” inserted by L.41/2003*
- <sup>5</sup> *Article 1(1)*

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- <sup>6</sup> chapter 25.650
- <sup>7</sup> Article 1(1) definition “specified area” inserted by L.41/2003
- <sup>8</sup> Article 1(1) definition “wholesome water” inserted by L.41/2003
- <sup>9</sup> Article 1(1) definition “year” inserted by L.41/2003
- <sup>10</sup> Article 1(3) inserted by L.41/2003
- <sup>11</sup> chapter 25.150
- <sup>12</sup> chapter 25.500
- <sup>13</sup> chapter 18.135
- <sup>14</sup> chapter 27.960
- <sup>15</sup> Article 5(6) amended by L.29/2007
- <sup>16</sup> Article 6(2) amended by L.10/1988
- <sup>17</sup> Article 10 inserted by L.41/2003
- <sup>18</sup> Article 11 inserted by L.41/2003
- <sup>19</sup> Article 12 inserted by L.41/2003
- <sup>20</sup> Article 13 inserted by L.41/2003
- <sup>21</sup> chapter 27.800
- <sup>22</sup> Article 14 inserted by L.41/2003
- <sup>23</sup> Article 15 inserted by L.41/2003
- <sup>24</sup> Article 16 inserted by L.41/2003
- <sup>25</sup> Article 17 inserted by L.41/2003
- <sup>26</sup> Article 18 inserted by L.41/2003
- <sup>27</sup> Article 19 inserted by L.41/2003
- <sup>28</sup> Article 20A inserted by L.29/2007
- <sup>29</sup> chapter 27.960
- <sup>30</sup> Article 21(5) amended by L.7/1990
- <sup>31</sup> Article 24 repealed by L.29/2007
- <sup>32</sup> Article 26 repealed by L.29/2007; former Article inserted by L.7/1990
- <sup>33</sup> Article 31(1) amended by L.14/2000
- <sup>34</sup> Article 31(2) amended by L.41/2003
- <sup>35</sup> Article 34 amended by L.7/1990
- <sup>36</sup> Article 35(2) amended by L.7/1990
- <sup>37</sup> chapter 15.720
- <sup>38</sup> Article 41(3) amended by L.7/1990
- <sup>39</sup> Schedule inserted by L.41/2003
- <sup>40</sup> L.41/2003 contained the following transitional provision –
- “6 Saving
- (1) Notwithstanding any provision in the principal Law (as amended by this Law) restricting the concentration of nitrate in water, if –
- (a) the Company applies under Article 9C of the principal Law, before the first day of January 2004, for a dispensation in respect of any supply of water; and
- (b) the Committee has not determined the application, the Company may pending the determination of the application supply that water for domestic purposes with a concentration of nitrate not exceeding the limits specified in paragraph (2).
- (2) The limits to which this paragraph refers are as follows –
- (a) the concentration of nitrate in samples of the water supplied, as measured by the States Analyst on a weekly basis, shall not exceed 50mg/l (as nitrate) in more than 33 per cent of the samples taken in any year; and
- (b) the concentration of nitrate in any sample, as measured by the States Analyst, shall not exceed in any event 70mg/l (as nitrate).
- (3) In this Article, words have the same meaning as they have in the principal Law.”

<sup>41</sup>

*see Article 57 of L.14/2000 for details of commencement*