



Jersey

## **WATER POLLUTION (AMENDMENT No. 3) (JERSEY) LAW 2017**

### **Arrangement**

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**A LAW** to amend further the Water Pollution (Jersey) Law 2000.

*Adopted by the States*

*14th March 2017*

*Sanctioned by Order of Her Majesty in Council*

*3rd May 2017*

*Registered by the Royal Court*

*12th May 2017*

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### **1 Water Pollution (Jersey) Law 2000 amended**

The Water Pollution (Jersey) Law 2000<sup>1</sup> is amended in accordance with the following provisions of this Law.

### **2 Article 1 amended**

In Article 1(1) for the definitions “Water Catchment Management Area” and “Water Catchment Management Order” there shall be substituted the following definitions –

“ ‘Water Management Area’ means a geographical area designated by a Water Management Order;

‘Water Management Order’ means an Order made under Article 14(1)”.

### **3 Article 8 amended**

For Article 8(2)(d) there shall be substituted the following sub-paragraph –

“(d) Water Management Areas and Water Management Orders;”.

### **4 Article 9 amended**

In Article 9(2)(a) the word “Catchment” shall be deleted.

**5 Article 10 amended**

In Article 10(1) after sub-paragraph (a) there shall be inserted the following sub-paragraph –

“(aa) a proposal to make a Water Management Order;”.

**6 Article 13 amended**

In Article 13(a) for the words “Articles 14, 15 and 16” there shall be substituted the words “Articles 14 and 16”.

**7 Articles 14 and 15 substituted**

For Articles 14 and 15 there shall be substituted the following Articles –

**“14 Water Management Orders**

- (1) The Minister may by an Order known as a “Water Management Order” –
  - (a) designate all or any land in Jersey to be part of one or more geographical areas for the purposes of this Law, to be known as ‘Water Management Areas’; and
  - (b) impose in respect of –
    - (i) a Water Management Area, or
    - (ii) any part of such an Area,restrictions and requirements on business activities or operations for the prevention, control, reduction or elimination of pollution in controlled waters or of the risk of pollution in controlled waters.
- (2) However, the restrictions and requirements that the Minister may impose in a Water Management Order must consist of or relate to any of the following –
  - (a) the importation, sale or purchase of fertilizers;
  - (b) the storage of fertilizers;
  - (c) measures concerned with or that implement the planning, and management of the use of fertilizers;
  - (d) the calibration of equipment to be used for the application of fertilizers;
  - (e) the application or use of fertilizers on land, including the permitted concentration of fertilizers, the times of the year when fertilizers may be used and any geographical, terrestrial or meteorological conditions affecting their use;
  - (f) the establishing of protection zones in the vicinity of controlled waters where the application or use of fertilizers may be restricted or prohibited;
  - (g) soil management measures;
  - (h) the training of individuals involved in any relevant matter;

- (i) the keeping of adequate records to be available for inspection by the Minister in relation to any relevant matter; or
- (j) the making of returns to the Minister in respect of any relevant matter.

(3) The States may by Regulations amend paragraph (2) so as to amend any matter to which a restriction or requirement must consist of or relate to.

(4) In this Article –

‘fertilizer’ means a chemical or natural substance that is added to soil to improve its productivity;

‘relevant matter’ means a matter mentioned in paragraph (2)(a) to (g).

## **15 Contravention of Water Management Orders**

- (1) A person who intentionally contravenes a Water Management Order is guilty of an offence and liable to imprisonment for 2 years and to a fine.
- (2) Where a person is charged with an offence under paragraph (1) it shall be a defence for the person to prove that he or she took all reasonable precautions and exercised due diligence to avoid the commission of the offence.
- (3) For the purposes of paragraph (2) –
  - (a) the fact that a person conforms in a material way to an approved code of practice is admissible as evidence that the person is conducting himself or herself reasonably and with due diligence in that way; and
  - (b) the fact that a person fails in a material way to conform to an approved code of practice is admissible as evidence that the person is not conducting himself or herself reasonably and with due diligence in that way.”.

## **8 Article 45 amended**

In Article 45 –

- (a) for paragraph (1)(a) there shall be substituted the following subparagraph –
  - “(a) any person with a proprietary interest in any land suffers any loss by way of reduction in the value of the person’s interest or by way of the disturbance of business carried on by the person on that land, in consequence of a Water Management Order; or”;
- (b) in paragraph (5)(b) for the words “condition in respect of land by a Water Catchment Management Order” there shall be substituted the words

“restriction or requirement in respect of land by a Water Management Order”.

**9 Citation and commencement**

This Law may be cited as the Water Pollution (Amendment No. 3) (Jersey) Law 2017 and shall come into force on the 7th day after its registration.

**L.-M. HART**

*Deputy Greffier of the States*

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<sup>1</sup> *chapter 27.800*