

STATES OF JERSEY



DRAFT WATER RESOURCES (JERSEY) LAW 200- (P.206/2005): SECOND AMENDMENTS (P.206/2005 AMD.(2))– COMMENTS

**Presented to the States on 29th November 2005
by the Environment and Public Services Committee**

STATES GREFFE

COMMENTS

The Environment and Public Services Committee rejects the proposed Amendments to the Draft Law lodged by Deputy P.N. Troy. These would provide for an increase in the “exemption” limits specified in Article 12 and Schedule 4 from 3m³/day to 20m³/day. However, the Committee does accept that the debate on the Draft Law should be deferred until the New Year.

1. In so far as the proposed Amendments are based on the U.K.’s Water Act 2003, they overlook 2 important considerations in relation to the U.K. Legislation, namely –
 - The “general” exemptions limit of 20m³/day specified in the U.K. can be lowered by the Secretary of State in appropriate circumstances.
 - The protection afforded by the 2003 Act only applies, in the case of groundwater abstraction, to those who abstract for domestic purposes and specifically does not extend to abstraction for irrigation or other agricultural purposes.

Furthermore, in so far as comparisons with other countries are relevant to the setting of an appropriate exemption limit for Jersey is concerned, the Committee would point out that it did supply evidence to the Shadow Scrutiny Panel of such limits in other jurisdictions. In some of those jurisdictions the limits are set at significantly lower levels than the figure of 20m³/day that generally applies in the U.K., especially in relation to groundwater abstraction.

2. The limit of 3m³/day specified in the Draft Law was increased by the Committee by a factor of 50%, following the views expressed by stakeholders and others during the extensive consultation process on the Law. The revised limit is considered by the Committee to be appropriate to Jersey’s situation and was supported by the locally based geologists during the scrutiny process. Moreover, the Committee considers that the limit of 3m³/day represents a fair and reasonable “balance” between the imposition of the requirements in the Law for licensing and the granting of exemptions.
3. In so far as the proposed Amendments rely on the 2004 Report by Jersey Water (to the effect that there was no need to operate the desalination plant in that particular year) this is misleading since it overlooks the following –
 - As advised by Jersey Water during the scrutiny process the desalination plant was operated on 11 separate periods between 1992 – 2003 (following the commissioning of the Queen’s Valley Reservoir), of which 9 were because of water scarcity problems on the Island.
 - The Committee understands that the desalination plant has cost (since the coming into operation of the new plant in 1999) in excess of some £20,000 per day to operate. In the view of the Committee, this represents a significant additional cost to the Island in order to address its water scarcity problems and reinforces the urgent need for comprehensive water resources management legislation, which is fully supported by Jersey Water.