

STATES OF JERSEY

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DRAFT WATER (AMENDMENT No. 3)(JERSEY) LAW 200

**Lodged au Greffe on 11th April 2008
by the Minister for Planning and Environment**

STATES GREFFE



Jersey

DRAFT WATER (AMENDMENT No. 3)(JERSEY) LAW 200

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Planning and Environment has made the following statement –

In the view of the Minister for Planning and Environment the provisions of the Draft Water (Amendment No. 3, (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator F.E. Cohen**

REPORT

The Draft Law

This Draft Law amends the existing Water (Jersey) Law 1972 by allowing Jersey Water to carry out the replacement and renewal of its pipes and apparatus on private land.

Background

Jersey Water have been in discussion with the Director of Environment in respect of difficulties that have been experienced in being required to serve notice on all the owners of private land when carrying out the replacement or renewal of pipe work. Whilst the Water (Jersey) Law 1972 under Article 3(8) provides for Jersey Water to have “access thereto by its servants or agents at all reasonable times for the purpose of inspection, maintenance and repair”, legal advice has concluded that it is not clear if this can be construed to include the replacement and renewal of pipes and equipment. As many modern repairs are achieved by laying new pipes adjacent to existing ones and by upgrading equipment with modern equivalents, e.g. a meter chamber rather than a valve box, they are not specifically “like for like” and may be judged to be going beyond the meaning of “repair”. The practicalities therefore involved in Jersey Water operating in compliance with the existing Water (Jersey) Law 1972 are not consistent with the States policy of reducing red tape.

It was concluded after discussion with the Law Officers Department that to overcome these difficulties the Law would need a minor amendment. The Chairman of Jersey Water wrote to the Minister in November 2007 to seek such a change to the Law and this has now been encompassed in the Draft Water (Amendment No. 3) (Jersey) Law 200- .

Financial and manpower implications

There are no financial or manpower implications associated with the passing of this Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 7th April 2008 the Minister for Planning and Environment made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Planning and Environment the provisions of the Draft Water (Amendment No. 3) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

The main purpose of this Law is to give The Jersey New Waterworks Company Limited the right to enter private land to reconstruct, renew or remove its works on the land in addition to its existing right to enter the land to inspect, maintain or repair the works.

The opportunity has been taken to make it clear that the Company is not limited to replacing like with like when it carries out other work on its water supply network.



Jersey

DRAFT WATER (AMENDMENT No. 3)(JERSEY) LAW 200

A LAW to amend further the Water (Jersey) Law 1972.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 Article 3 amended

In the Water (Jersey) Law 1972^[1] –

- (a) in Article 2(1), for “laying, constructing, inspecting, repairing, renewing or removing” there is substituted “laying, constructing, inspecting, repairing, reconstructing, renewing or removing”;
- (b) in Article 3(8) for “inspection, maintenance or repair” there is substituted “inspection, maintenance, repair, reconstruction, renewal or removal”;
- (c) in Article 4(1), for “maintenance, repair or renewal” there is substituted “maintenance, repair, reconstruction, renewal or removal”.

2 Citation and commencement

- (1) This Law may be cited as the Water (Amendment No. 3) (Jersey) Law 200.
- (2) It shall come into force 7 days after it is registered.

