

STATES OF JERSEY

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

**Presented to the States on 22nd 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 R.C. Duhamel of St. Saviour. These provide for the removal of the requirements to register with the Committee abstractions of groundwater below the “exemptions” specified in Article 12.

1. At no stage during the extensive scrutiny process on the Draft Law, did any Witness or Member of the Panel (which included Deputy Duhamel) ever suggest that the requirements to register were inappropriate to Jersey’s situation. On the contrary, Deputy G. Baudains (who was also a member of the Shadow Scrutiny Panel) supported the need for abstraction data to be collected from all borehole abstractors on the Island and advocated that provision to that effect should be incorporated into the Draft Law; action to that effect was subsequently taken by the Committee prior to the lodging of the Draft Law.
2. The Committee considers that the requirements for registration are paramount to the operation of the Law for 2 reasons, namely –
 - It is essential for sound water resources management that abstraction data is collected from all boreholes on the Island; this view is fully supported by the locally based geologists.
 - The “protective” provisions in the Draft Law for existing abstractors are dependant upon the prior registration of their sources with the Committee.
3. In so far as comparisons with other jurisdictions are relevant to the requirements for registration contained in the Draft Law, reference to the U.K.’s Water Act 2003 is pertinent (since this has been referred to in the Draft Amendments lodged by Deputy P.N. Troy of St. Brelade, also relating to Article 12 in the Dra Law). Under the U.K. Act, provision is made for the compulsory registration with the Environment Agency (being the regulator) of boreholes abstracting below the “exemption” limits that apply.
4. Under the Draft Law, the procedure for registration with the Committee will be straightforward and simple and will be entirely free of charge.