



Jersey

L.8/2003

WATER POLLUTION (AMENDMENT) (JERSEY) LAW 2003

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

Adopted by the States

11th September 2002

Sanctioned by Order of Her Majesty in Council

17th December 2002

Registered by the Royal Court

3rd January 2003

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

1

In this Law, “principal Law” means the Water Pollution (Jersey) Law 2000.¹

2

After Article 8(7) of the principal Law² there shall be inserted the following paragraph –

“(7A) The States may by Regulations amend Schedule 1.”.

3

In Article 10(3) of the principal Law,³ for the words “an application for the variation of a discharge permit” there shall be substituted the words “an application for the grant or variation of a discharge permit”.

4

In Article 23(7) of the principal Law,⁴ the words “to vary or revoke a discharge permit” shall be deleted.

5

After Article 25(2) of the principal Law⁵ there shall be added the following paragraph –

“(3) There shall be a right of appeal, in accordance with Article 44, against the decision of the Committee.”.

6

After Article 26(10) of the principal Law⁶ there shall be inserted the following paragraph –

“(10A) The Attorney General shall have a right of appeal to the Court of Appeal against a decision of the Royal Court under this Article.”.

7

In Article 32(7) of the principal Law,⁷ for the words “he shall in writing inform the owner, occupier, driver, master, commander, or person in charge (as the case may be)” there shall be substituted the words “he shall upon request inform the owner, occupier, driver, master, commander, or person in charge (as the case may be) in writing”.

8

In Article 34(2) of the principal Law,⁸ for the word “the” in the second place where it occurs there shall be substituted the word “a”.

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After Article 39(2) of the principal Law⁹ there shall be added the following paragraph -

“(3) For the purposes of this Article, the Committee’s reasonable expenses of acting under paragraph (1) shall include any expenses incurred by the Committee in investigating and establishing –

- (a) the source and extent of any potential pollution or actual pollution to which the matter relates; and
- (b) the identification of any person on whom a notice may be served under Article 36 or Article 37 in respect of the matter.”.

10

(1) In Article 44(1)(a) of the principal Law,¹⁰ for the words “an applicant for a discharge permit” there shall be substituted the words “an applicant for a discharge permit or for its variation or transfer”.

(2) After Article 44(5) of the principal Law¹¹ there shall be added the following paragraph –

“(6) The appellant shall have a right of appeal to the Court of Appeal against a decision of the Royal Court under this Article.”.

11

In Schedule 1 to the principal Law,¹² for paragraphs (a), (b), (c) and (d) there shall be substituted the following paragraphs –

- “(a) affecting the confidentiality of the deliberations of any public or parish authority;
- (b) relating to international relations, national defence or public security;
- (c) relating to matters that are under enquiry (whether or not the enquiry is of a disciplinary nature) or to documents that are still in draft form or to any internal communications of a public or parish authority;
- (d) relating to matters that are or have been the subject of legal or other proceedings (whether actual or prospective) or to any investigations undertaken with a view to such proceedings;”.

12

This Law may be cited as the Water Pollution (Amendment) (Jersey) Law 2003 and shall come into force on the seventh day following its registration.

C.M. NEWCOMBE

Greffier of the States.

¹ *Volume 2000, page 149.*

² *Volume 2000, page 164.*

³ *Volume 2000, page 166.*

⁴ *Volume 2000, page 178.*

⁵ *Volume 2000, page 179.*

⁶ *Volume 2000, page 180.*

⁷ *Volume 2000, page 186.*

⁸ *Volume 2000, page 187.*

⁹ *Volume 2000, page 191.*

¹⁰ *Volume 2000, page 195.*

¹¹ *Volume 2000, page 196.*

¹² *Volume 2000, page 208.*