



Jersey

**SEWERAGE (AMENDMENT) (JERSEY)
LAW 1953**

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SEWERAGE (AMENDMENT) (JERSEY) LAW 1953

Arrangement

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Jersey

SEWERAGE (AMENDMENT) (JERSEY) LAW 1953

A LAW to amend the Law on Sewerage

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“Committee” means the Health and Social Services Committee appointed in pursuance of Article 1 of the Loi (1934) sur la Santé Publique;¹

“principal Law” means the Loi (1937) sur les égouts;²

“public sewer” has the same meaning as “égout public” in the principal Law;

“sewer” includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings;³

“surface water” includes water from roofs.

2 Public sewers on private property

- (1) The powers conferred on the Committee by Article 16(2) of the principal Law shall include a power to construct sewers, and to acquire sewers constructed, in, on or over any land not in public ownership, and to carry out any works on that land necessary for the inspection, maintenance and repair of the sewers so constructed or acquired.
- (2) Where the Committee proposes to construct a sewer or acquire a sewer constructed in, on or over any land not in public ownership, the Committee shall serve notice of its intention to do so on every owner, lessee and occupier of that land, and such notice shall contain a sufficient description of the land, shall specify the site or proposed site of the sewer, and shall give details of any works constructed or proposed to be constructed on the land for the purpose of the inspection, maintenance and repair of the sewer.

- (3) Any person having an interest in land the value of which is diminished in consequence of the exercise by the Committee of its powers under this Article shall be entitled to recover compensation from the Committee for the diminution.
- (4) Where any interest in land is subject to a hypothec –
 - (a) any compensation payable under paragraph (3) in respect of the diminution in the value of the interest shall be assessed as if the interest were not subject to the hypothec;
 - (b) a claim for any such compensation may be made by any hypothecary creditor of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) a hypothecary creditor shall not be entitled to claim compensation under the said paragraph in respect of the creditor's interest as such; and
 - (d) the compensation payable in respect of the interest subject to the hypothec may be paid by the Committee to such of the claimants as it thinks proper and shall be applied by that claimant in such manner as the parties interested may agree, or, in default of such agreement, as may be determined by arbitration.
- (5) Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the exercise by the Committee of its powers under this Article (not being damage which consists of the diminution of the value of an interest in land) shall be entitled to recover compensation from the Committee in respect of that damage.
- (6) For the purpose of assessing compensation under this Article insofar as it is payable in respect of the diminution of the value of an interest in land –
 - (a) Article 9 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961,⁴ shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land; and
 - (b) account shall be taken of the extent, if any, to which the value of the land has been enhanced by reason of the construction of the sewer.⁵
- (7) Where any dispute arises as to the amount of any compensation payable under this Article, or as to the persons to whom it is payable, the dispute shall be determined by arbitration.
- (8) The Committee shall, as soon as may be after the notice under paragraph (3) of this Article has been served, make application to the court for an order that the notice be registered in the Public Registry of Contracts and such registration shall vest in the public of Jersey the right to construct, maintain and repair the sewer and the works specified in the notice and to have access thereto by its servants or agents at all reasonable times.
- (9) Any sewer or works incidental thereto constructed or acquired in pursuance of this Article shall be and shall remain the property of the

public of Jersey notwithstanding the fact that the land of which it forms part is not in public ownership.

3 Separate sewers for foul water and surface water

The powers conferred on the Committee by Article 16(2) of the principal Law,⁶ as extended by this Law, shall include a power to construct separate sewers for the disposal of foul water and of surface water, and, where separate sewers are so constructed, the powers of the Committee under the principal Law to require the making of communications with public sewers shall include a power to require separate communications with each of those sewers.

4 Duty of Committee to keep map showing public sewers

- (1) The Committee shall keep deposited at one of its public offices, for inspection by any person at all reasonable hours free of charge, a map showing all public sewers and distinguishing between –
 - (a) sewers constructed in public roads; and
 - (b) sewers constructed or acquired by virtue of Article 2.
- (2) Where some of the public sewers are reserved for foul water only or for surface water only, the map referred to in this Article shall show also the purpose which each such sewer is intended to serve.

5 Citation

This Law may be cited as the Sewerage (Amendment) (Jersey) Law 1953.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Sewerage (Amendment) (Jersey) Law 1953	L.11/1953	23 May 1953
Sewerage (Amendment No. 4) (Jersey) Law 1958	L.20/1958	1 October 1958 (R&O.3990)
Sewerage (Amendment No. 5) (Jersey) Law 1961	L.10/1961	13 May 1961
Drainage (Jersey) Law 1962	L.8/1962	9 June 1962; (Article 7, 1 August 1962)

Table of Renumbered Provisions

Original	Current
2(2)	repealed by L. 8/1962
(3)	2(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
3(1)	3
3(2)	repealed by L.20/1958
4	repealed by L.20/1958
5	4
6	repealed by L. 8/1962
7	repealed by L. 8/1962
8	5

Table of Endnote References

¹	<i>chapter 20.875</i>
²	<i>chapter 22.150</i>
³ Article 1	<i>definition "sewer" substituted by L.10/1961</i>
⁴	<i>chapter 18.135</i>
⁵ Article 2(6)	<i>amended by L.20/1958</i>
⁶	<i>chapter 22.150</i>