

STATES OF DELIBERATION

31st October, 2012

**Billet d'État No. XXI
Article No. VI**

AMENDMENT

**Environment Department
Environmental Pollution (Guernsey) Law, 2004, Part VI-Water Pollution**

Proposed by: Deputy R. Domaille

Seconded by: Deputy A. J. Spruce

At the end of proposition 1(b) to insert the following:

“ and to repeal the Ordonnance relative au depot de décombres de carrier, d'immondices et d'autres debris sur les Cotes de cette Ile, 1932”

After proposition 1(e) to insert new propositions 1(f) and (g) as follows:

“(f) To carry forward the current prohibition in the Prevention of Pollution (Guernsey) Law, 1989 against causing or permitting water pollution or a risk of the same breach of which would be an offence under the Environmental Pollution (Guernsey) Law, 2004.

(g) To replace the current permitting and other provisions under the Prevention of Pollution (Guernsey) Law, 1989 relating to potentially polluting works or activities, with provisions requiring the same to comply with listed requirements breach of which would be an offence.”

After proposition 1 to insert a new proposition 2 as follows:

“2. To direct the preparation of the necessary legislation to give effect to those proposals.”

EXPLANATORY MEMORANDUM

The amendments are required to –

- (a) provide for the repeal of the 1932 Ordinance as referred to in paragraph 15 of Appendix 1 to the report. This is not covered by the existing wording of proposition 1(b) as the Ordinance is a customary law Ordinance and not made under the 1989 Law,
- (b) add new propositions 1(f) and (g) –

- a. to provide for the carrying forward of the existing prohibition in the 1989 Law against causing or permitting water pollution or a risk of the same; it will then be an offence under the 2004 Law to breach this prohibition so that the provisions would prevent risk from harm and protect water resources as set out in Appendix 1 to the report, and
 - b. to provide for the replacement of the current permitting regime under the States Water Supply (Prevention of Pollution) Ordinance, 1966 and current provisions relating to burial of animal carcasses as set out in paragraph 13 of Appendix 1 to the report, and
- (c) insert the usual proposition directing the preparation of legislation to give effect to the proposals.