STATUTORY INSTRUMENTS

1987 No. 842

WATER, ENGLAND AND WALES

The Bristol Waterworks Order 1987

Made - - - -	*30th April 1987*
Coming into force	*1st May 1987*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 23, 33 and 59(1)**(a)** of the Water Act 1945**(b)** and now vested in him**(c)**, and of all other powers enabling him in that behalf, hereby makes the following Order:–

Citation and commencement

1.—(1) This Order may be cited as the Bristol Waterworks Order 1987 and shall come into force on 1st May 1987.

(2) The Bristol Waterworks Acts and Orders 1862 to 1979 and this Order may be cited together as the Bristol Waterworks Acts and Orders 1862 to 1987.

Interpretation

2. In this Order–

"the Company" means the Bristol Waterworks Company;

"the Third Schedule" means the Third Schedule to the Water Act 1945 having effect as applied to the undertaking;

"the undertaking" means the undertaking of the Company as for the time being authorised by any enactment.

Capital and borrowing powers

3. For section 4 (capital and borrowing powers) of the Bristol Waterworks Order 1979**(d)** there shall be substituted the following section–

"**4.**—(1) The Company may raise capital by–

(a) the issue of shares;

(b) borrowing on mortgage of the undertaking;

(c) borrowing by the issue of debenture stock.

(2) Any sums to be raised in accordance with subsection (1), when added to–

(a) the sums raised by the issue of existing share capital before the relevant date; and

(b) other amounts so raised by borrowing and still outstanding on that date;

shall not exceed £70 million.

(a) *See* the definition of "Minister".
(b) 1945 c.42.
(c) S.I. 1951/142, 1900, 1970/1681.
(d) S.I. 1979/1168.

(3) Subject to subsection (4), the Company shall take such steps as may be necessary to ensure that the amounts raised as mentioned in paragraphs (b) and (c) of subsection (1) which are at any time outstanding do not exceed twice the aggregate of–

(a) the sums raised by the issue of existing share capital; and

(b) the amount of the Company's reserves.

(4) With the consent of the Secretary of State, the Company may raise an additional amount as mentioned in paragraphs (b) and (c) of subsection (1) not exceeding ten per cent. of the total on the relevant date of the sums and amount specified in paragraphs (a) and (b) of subsection (3).

(5) For the purposes of this section–

(a) the amount raised by the issue of share capital or debenture stock is the amount raised after taking into account any premiums or discounts; and

(b) in the case of any share capital or debenture stock issued for a consideration other than cash the nominal value shall be taken to have been the amount raised by that issue.

(6) Notwithstanding anything in Part III of the Companies Clauses Act 1863**(a)** or in the Bristol Waterworks Acts and Orders 1862 to 1979, the interest on the amounts raised as mentioned in paragraphs (b) and (c) of subsection (1) shall rank pari passu without regard to the dates of the securities or of the enactments or resolutions by which they were authorised or created and shall have priority over all principal moneys secured by such securities.

(7) The Company's powers of borrowing may be exercised without obtaining a certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845**(b)**.

(8) Sums to be raised by the Company as mentioned in subsection (1)(a) may be raised by the issue of new ordinary shares or stock or new preference shares or stock or, at the Company's option, by any of those methods.

(9) The directors of the Company may, without further authorisation, raise the same amount of capital as they were authorised to raise, but which they had not so raised, before the coming into operation of this Order.

(10) In this section–

"the Company's reserves" means the aggregate of any of the following amounts appearing in the Company's last audited balance sheet–

(a) any capital reserve;

(b) any sum carried forward in accordance with section 77 of the Third Schedule; and

(c) any amounts standing to the credit of any reserve or contingency fund established and maintained in accordance with section 76 of the Third Schedule;

"the relevant date" means the date on which the Company exercise the powers mentioned in subsection (1).".

Modification of section 76 of Third Schedule

4. In subsection (1) of section 76 (reserve and contingency funds) of the Third Schedule there shall be inserted after the words "think fit", the words "(not being provisions for liabilities or charges within paragraph 89 of Schedule 4 to the Companies Act 1985)"**(c)**.

(a) 1863 c.118.
(b) 1845 c.16
(c) 1985 c.6.

Costs of Order

5. The costs, charges and expenses of and incidental to the application for and the preparation and making of this Order shall be paid by the Company and may in whole or in part be defrayed out of revenue.

J A L Gunn
An Under Secretary in the Department of the Environment

Signed by authority
of the Secretary of State
30th April 1987