STATUTORY INSTRUMENTS

1989 No. 2101

WATER, ENGLAND AND WALES

The East Surrey Water (Constitution and Regulation) Order 1989

Made - - - -	*14th November 1989*
Laid before Parliament	*20th November 1989*
Coming into force	*11th December 1989*

Whereas provision is made for the constitution and regulation of the East Surrey Water Company ("the Company") in local statutory provisions ("the local statutory provisions"):

And whereas the Company holds an appointment as a water undertaker under Chapter I of Part II of the Water Act 1989(a) ("the Act"):

And whereas the local statutory provisions would, if the Company became a registered water company(b), have effect in accordance with paragraph 5 of Schedule 21 to the Companies Act 1985(c):

And whereas the Company has by a special resolution passed on 10th October 1989 ("the special resolution") proposed that provision contained in a memorandum and articles described in Schedule 1 to this Order ("the memorandum and articles"), copies of which have been certified as such by the Secretary of State, shall have effect in substitution for the local statutory provisions ("the proposal"):

And whereas it appears to the Secretary of State that the requirements set out in sub-paragraphs (a) and (b) of section 101(3) of the Act are satisfied as respects the proposal:

And whereas it appears to the Secretary of State appropriate in consequence of his approval of the proposal by this Order that certain provisions of the East Surrey Water Acts and Orders 1862 to 1987 be repealed:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 101(2), (6) and (7) of the Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the East Surrey Water (Constitution and Regulation) Order 1989 and shall come into force on 11th December 1989.

(2) In this Order –

"the 1845 Act" means the Companies Clauses Consolidation Act 1845(d); and

"the 1863 Act" means the Companies Clauses Act 1863(e).

Approval of proposal contained in the special resolution

2. The proposal contained in the special resolution is hereby approved for the purposes of section 101(2) of the Act.

(a) 1989 c.15. (b) *See* section 101(8) of the Water Act 1989. (c) 1985 c.6. (d) 1845 c.16.
(e) 1863 c.118, amended by the Companies Clauses Act 1869 (c.48).

Cessation of local statutory provisions

3. The date on which the local statutory provisions shall cease to have effect and the memorandum and articles shall come into force is 11th December 1989.

Consequential provision

4. The provisions of the East Surrey Water Acts and Orders 1862 to 1987 mentioned in Schedule 2 hereto shall be repealed to the extent indicated in that Schedule with effect from the date mentioned in article 3.

Chris Patten
14th November 1989 — One of Her Majesty's Principal Secretaries of State

SCHEDULE 1

DOCUMENTS HAVING EFFECT AS MENTIONED IN SECTION 101(2)(b) OF THE WATER ACT 1989

The documents comprising the Memorandum of Association of East Surrey Water Plc and the Articles of Association of East Surrey Water Plc(a).

SCHEDULE 2

Article 4

PROVISIONS OF THE EAST SURREY WATER ACTS AND ORDERS 1862 TO 1987 REPEALED

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title of enactment	*Reference*	*Extent of repeal*
The Caterham Spring Water Company's Act 1862	1862 c.lxxxiii	Section 1, so far as relating to the application and incorporation of provisions of the 1845 Act, and sections 3, 4, 14 and 16
The Caterham Spring Water Company's Act 1881	1881 c.ccvii	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 20 and 21

(a) A copy of the documents may be inspected at the Department of the Environment, Romney House, 43 Marsham Street, London, SW1P 3PY.

SCHEDULE 2: Part I – *Continued*

Title of enactment	*Reference*	*Extent of repeal*
The East Surrey Water Act 1885	1885 c.xxviii	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 5, 26 and 55
The East Surrey Water Act 1896	1896 c.cxxvii	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 15 to 17 (inclusive), 28 and 51
The East Surrey Water Act 1921	1921 c.xliii	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 27, 30 to 35 (inclusive) 38 and 39
The East Surrey Water Act 1927	1927 c.civ	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and section 40
The East Surrey Water Act 1930	1930 c.lxi	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act.

PART II

PROVISIONS OF ORDERS REPEALED

Title of order	*Reference*	*Extent of repeal*
The East Surrey Water Order 1912	Confirmed by 1912 c.clxiii	Section 3, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 19, 25, 27 and 29
The East Surrey Water Order 1935	See 1935 c.lxx	The whole Order
The East Surrey Water Order 1953	S.I. 1953/473	The whole Order
The East Surrey Water Order 1957	S.I. 1957/1383	The whole Order
The East Surrey Water Order 1958	S.I. 1958/2060	Section 3
The East Surrey Water Order 1960	S.I. 1960/1746	Section 3, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act
The East Surrey Water Order 1963	S.I. 1963/657	Section 3, so far as relating to the application and incorporation of provisions connected with the constitution and regulation of the Company, and section 4
The East Surrey Water (Capital Powers) Order 1978	S.I. 1978/1482	The whole Order
The East Surrey Water (No. 2) Order 1985	S.I. 1985/716	The whole Order
The East Surrey Water Order 1987	S.I. 1987/1434	The whole Order.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 101(2) of the Water Act 1989 provides for the replacement of provisions relating to the constitution and regulation of a statutory water company and contained in its local Acts and Orders by provisions contained in a memorandum and articles of association which have been approved by special resolution of the members of the company. The replacement provisions have effect only if they have been approved by the Secretary of State and on such date as he determines.

This Order approves a proposal by the East Surrey Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the East Surrey Water Acts and Orders 1862 to 1987 (article 2). It also provides that the date on which those provisions cease to have effect is 11th December 1989 (article 3) and for the repeal of the superseded provisions and for consequential repeals (article 4).

This Order is associated with the company's proposal to convert to the status of a registered company under the Companies Act 1985.