STATUTORY INSTRUMENTS

1985 No. 716

WATER, ENGLAND AND WALES

The East Surrey Water (No. 2) Order 1985

Made - - - - -	*7th May* 1985
Coming into Operation	*8th May* 1985

The Secretary of State for the Environment, in exercise of powers conferred by sections 23, 32, 33 and 50 of the Water Act 1945**(a)** and now vested in him**(b)**, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement

1.—(1) This order may be cited as the East Surrey Water (No. 2) Order 1985 and shall come into operation on 8th May 1985.

(2) This order shall be included among the enactments which may be cited together as the East Surrey Water Acts and Orders 1862 to 1985.

Interpretation

2. In this order, unless the context otherwise requires—

"the Company" means the East Surrey Water Company;

"the Order of 1978" means the East Surrey Water (Capital Powers) Order 1978**(c)**;

"the Third Schedule" means the Third Schedule to the Water Act 1945;

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

Modification of enactments

3. As from the commencement of this order—

(*a*) paragraph (*a*) of the proviso to subsection (1) of section 4 (Capital and borrowing powers) of the Order of 1978 shall have effect as if for the words "twice the amount" there were substituted the words "three times the amount";

(*b*) subsection (9) of the said section 4 shall have effect as if for the reference to the coming into operation of the Order of 1978 there were substituted a reference to the coming into operation of this order;

(a) 1945 c. 42.
(b) S.I. 1951/142, 1900, 1970/1681.
(c) S.I. 1978/1482.

(*c*) section 6 (Maximum rates of dividend) of the Order of 1978 shall have effect as if for the references to the Order of 1978 and to the commencement of that order there were substituted references to this order and to the commencement of this order;

(*d*) Subsection (3) of section 3 (Application of Third Schedule to undertaking) of the East Surrey Water Order 1963**(a)** shall have effect as if after paragraph (*g*) thereof there were inserted the following paragraph:—

"(*gg*) in section 77 (which places a limitation on the balance carried forward at the end of a year):—

(i) in paragraph (*a*) of subsection (1) after the word "dividend" there shall be inserted the words "together with the advance corporation tax associated therewith";

(ii) in paragraph (*c*) of subsection (1) after the word "dividends" there shall be inserted the words "together with the advance corporation tax associated therewith;";

(*e*) section 9 (Temporary borrowing) of the Order of 1978 shall have effect as if in the proviso for the words "seven hundred thousand pounds" there were substituted the words "one million two hundred and fifty thousand pounds".

As to appointment of proxies

4. For section 38 (Appointment of proxies) of the East Surrey Water Act 1921**(b)** there shall be substituted the following section:—

"*Appointment of proxies.*

38. Notwithstanding anything in the Companies Clauses Consolidation Act 1845**(c)**—

(*a*) a proxy appointed to vote for or on behalf of a member of the Company need not himself be a shareholder and accordingly section 76 of the said Act of 1845 as incorporated with the East Surrey Water Acts and Orders 1862 to 1978 shall have effect as if the words "being shareholders" were omitted;

(*b*) the attorney of any member duly authorised in writing or, in the case of a corporation, an officer or attorney so authorised, may appoint a proxy to vote for and on behalf of the member and for that purpose may execute on behalf of the member the necessary form of proxy:

Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the said instrument or (in the case of an instrument deposited with the central office of the Supreme Court) an office copy thereof shall be transmitted to the Secretary of the Company at the same time as the instrument appointing the proxy."

(a) S.I. 1963/657. **(b)** 1921 c. xliii. **(c)** 1845 c. 16.

Application of section 94 of Third Schedule

5. For the purposes of this order, section 94 of the Third Schedule (which requires undertakers to keep a copy of the special Act at their principal office and to deposit copies with certain officers) shall apply to the undertaking and is hereby incorporated with this order.

Costs of order

6. 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.

Signed by authority of
the Secretary of State

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

7th May 1985.