1990 No. 1658

WATER, ENGLAND AND WALES

The Mid Kent Water (Constitution and Regulation) Order 1990

Made - - - -	*8th August 1990*
Laid before Parliament	*15th August 1990*
Coming into force	*30th November 1990*

Whereas provision is made for the constitution and regulation of the Mid Kent 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 26th June 1990 ("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 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approval of the proposal by this Order that certain provisions of the Mid Kent Water Acts and Orders 1888 to 1985 be repealed:

Now, therefore, the Secretary of State, in exercise of 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 Mid Kent Water (Constitution and Regulation) Order 1990 and shall come into force on 30th November 1990.

(2) In this Order—

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

"the 1863 Act" means the Companies Clauses Act 1863(e); and

"the Mid Kent Water Acts and Orders 1888 to 1985" includes the South Kent Water Order 1939(f).

Approval of proposal contained in the special resolution

2. The proposal contained in the special resolution is hereby approved.

(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).
(f) Confirmed by 1939 c.xxxix.

Cessation of local statutory provisions

3. The date specified for the purposes of section 101(2) of the Act as the date on which the local statutory provisions shall cease to have effect and the memorandum and articles shall come into force is 30th November 1990.

Consequential provision

4. The provisions of the Mid Kent Water Acts and Orders 1888 to 1985 referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 30th November 1990.

Chris Patten
One of Her Majesty's Principal Secretaries of State

8th August 1990

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 Mid Kent Water Plc and the Articles of Association of Mid Kent Water Plc(a).

SCHEDULE 2

Article 4

PROVISIONS OF THE MID KENT WATER ACTS AND ORDERS 1888 TO 1985 REPEALED

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title of enactment	*Reference*	*Extent of repeal*
The Mid Kent Water Act 1898.	1898 c.ccxxiii.	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act. Sections 6, 7, 21, 24 to 26, 32 to 34, 36, and 38 to 44.
The Mid Kent Water Act 1900.	1900 c.cclxxiv.	Sections 2 (so far as unrepealed), 30, 31, 37, 38 and 40 to 42.
The Mid Kent and East Kent District Water Act 1913.	1913 c.xxxvi.	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act. Sections 56, 58, 59, 61, 63, 64, 66, 67 and 70 to 72.
The Mid Kent Water Act 1923.	1923 c.lxxix.	Section 2, so far as relating to the application and incorporation of Part III of the 1863 Act. Sections 28, 31 and 36.
The Mid Kent Water Act 1928.	1928 c.xxxii.	Sections 4, 21 and 22.
The Mid Kent Water Act 1930.	1930 c.lxxxiv.	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act. Sections 35, 36, 38 to 46, 48 and 51 to 53.
The North West Kent Joint Water Act 1936.	1936 c.lxix.	Section 3, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act. Sections 72, 73, 83, 86, 87, 92 and 94 to 98.
Kent Water Act 1955.	1955 c.xi	Section 34.

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

PART II

PROVISIONS OF ORDERS REPEALED

Title of Order	*Reference*	*Extent of repeal*
The Mid Kent Water Order 1906.	Confirmed by 1906 c.cxxxvi.	Section 4, so far as unrepealed. Sections 8, 11 to 13, 15, 16 and 20 to 22.
The Mid Kent Water Order 1907.	Confirmed by 1907 c.cxiii.	Section 4, so far as unrepealed. Sections 11 to 13, 15 to 17 and 20 to 22.
The Mid Kent Water Order 1920.	Confirmed by 1920 c.cvi.	Sections 3, 9 and 10.
The South Kent Water Order 1939.	Confirmed by 1939 c.xxxix.	Sections 43 to 45, 47 to 49, 52 and 53.
The Mid Kent Water Order 1949.	S.I. 1949/290.	Sections 2, 20 to 26, 28 and 29.
The Mid Kent Water Order 1951.	S.I. 1951/819.	Sections 2 and 4 to 9.
The Mid Kent Water (No. 3) Order 1953.	S.I. 1953/1915.	Sections 3, 5, 6, 11, 14, 31, 33 to 37 and 41.
The Mid Kent Water Order 1955.	S.I. 1955/728.	Sections 3 and 4.
The Mid Kent Water Order 1956.	S.I. 1956/1540.	The whole Order.
The Mid Kent Water Order 1960.	S.I. 1960/1013.	Section 3.
The Mid Kent Water (Financial Provisions) Order 1960.	S.I. 1960/1793.	Sections 2, 4, 11 to 14 and 17 to 20.
The Mid Kent Water Order 1961.	S.I. 1961/2301	The whole Order.
The Mid Kent Water Order 1963.	S.I. 1963/734.	Sections 2, 5, 6 and 11.
The Mid Kent Water Order 1964.	S.I. 1964/594.	Sections 3, 7 to 9, 11 and 12.
The Mid Kent Water (No. 2) Order 1964.	S.I. 1964/1347.	The whole Order.
The Mid Kent Water (Canterbury) Order 1968.	S.I. 1968/1969.	Sections 2, 5, 6, 11, 23 (so far as unrepealed) to 25 and 27.
The Mid Kent Water Order 1970.	S.I. 1970/697.	The whole Order.
The Mid Kent Water (Maidstone) Order 1970.	S.I. 1970/1974.	Sections 2, 5, 6, 11 and 17 to 20.
The Mid Kent Water Order 1973.	S.I. 1973/938.	Sections 3 to 6 and 8.
The Mid Kent Water Order 1976.	S.I. 1976/35.	The whole Order.
The Mid Kent Water Order 1985.	S.I. 1985/96.	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 contained in its local Acts and Orders by provisions contained in a memorandum and articles which have been approved by special resolution of the members of the company. The replacement provisions have effect only if they are approved by the Secretary of State and come into force on such date as he determines.

This Order approves a proposal by The Mid Kent Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Mid Kent Water Acts and Orders 1888 to 1985 (article 2). It also provides that the date on which those provisions cease to have effect is 30th November 1990 (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.

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