STATUTORY INSTRUMENTS

1986 No. 249

WATER, ENGLAND AND WALES

The North Surrey Water Order 1986

Made - - - -	*7th February* 1986
Coming into Operation	10*th February* 1986

The Secretary of State for the Environment, in exercise of the powers conferred by sections 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 makes the following order:—

Citation and commencement

1.—(1) This order may be cited as the North Surrey Water Order 1986 and shall come into operation on 10th February 1986.

(2) The North Surrey Water Acts and Orders 1877 to 1983 and this order may be cited together as the North Surrey Water Acts and Orders 1877 to 1986.

Interpretation

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

"the Company" means the North Surrey Water Company;

"the Order of 1965" means the South West Suburban Water (No. 2) Order 1965 (**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.

Variation of South West Suburban Water (No. 2) Order 1965 as to collection of charges for supply of water

3. For section 55 of the Third Schedule (which applies to the undertaking with modifications by virtue of section 3 of the Order of 1965) there shall be substituted the following section—

"Making and dates for payment of water rates

55.—(1) Undertakers who charge water rates under the special Act shall make such a rate by fixing, in respect of a period of twelve months commencing on either the first day of January, the first day of April, the first day of July or the first day of October (hereinafter called the relevant period), the rate-poundage or, as the case may be, the scale of rate-poundages, by reference to which amounts due under the rate are to be calculated.

(**a**) 1945 c.42. (**b**) S.I. 1951/142, 1900, 1970/1681. (**c**) S.I. 1965/1681.

(2) Any such rate shall be payable by one of the following methods, namely—

(a) by equal half-yearly instalments on such dates within the first and seventh months of a relevant period as the undertakers may determine and specify; or

(b) if the undertakers so resolve, and the person who is liable to pay the water rate in respect of any premises so elects—

(i) a single payment on or before such date within the relevant period as the undertakers may specify;

(ii) subject to subsection (10), not more than ten equal instalments at intervals of not less than one month on such dates within the relevant period as the undertakers may specify.

(3) A water rate under this section, or in force under any enactments relating to the undertakers immediately before the coming into operation of this section, shall unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.

(4) If the person who is, or who, but for the provisions of section 54 above, would be liable to pay any water rate is in occupation of premises for part only of a relevant period, that person or, as the case may be, the owner of the premises, shall be entitled to recover from the undertakers a due proportion of the rate calculated at a daily rate in respect of any period after the date upon which the first-mentioned person ceased to be in occupation.

(5) If, and so long as, any water rate is payable by half-yearly instalments, no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

(6) Subject to subsections (4) and (5), where a person receives a supply of water to any premises, either for the first time or after a discontinuance of supply, he shall be liable to pay any instalment or amount due in respect of the water rate on the day on which notice requiring the supply is given to the undertakers or, if no such notice is given, on the day when they commence the supply.

(7) A person who elects to pay a water rate in instalments in accordance with subsection (2)(b)(ii) shall give notice to that effect to the undertakers on or before such date within the relevant period as the undertakers may resolve and specify.

(8) Subject to subsection (9) any notice mentioned in subsection (7) shall continue to have effect in each successive relevant period until withdrawn by a further notice to the undertakers.

(9) A notice mentioned in subsection (7) shall cease to have effect if any payment or instalment is not made on or before the due date in a relevant period, and the undertakers give notice to that effect to the person in default and thereupon any sum due shall be recoverable by the undertakers as if a notice mentioned in subsection (7) had not been given.

(10) Where any water rate is payable by instalments the undertakers may adjust the amount of the first or last instalment so that no instalment comprises or includes an amount of less than a penny.

(11) In this section "specify" means specified in a written notice sent by the undertakers to a person liable to pay any water rate."

Variation of South West Suburban Water (No. 2) Order 1965 as to reserve and contingency funds

4. Sections 76 (reserve and contingency funds) and 77 (balances carried forward) of the Third Schedule (which apply to the undertaking by virtue of section 3 of the Order of 1965) shall have effect subject to the following modifications—

(1) In section 76, by substituting for the words "twelve and a half" in subsection (4) the words "twenty-five", and for the words "one and one quarter" in subsection (5) the words "two and a half".

(2) In section 77(1), by inserting after the word "interest" in paragraph *(a)*, and by adding at the end of paragraph *(c)*, the words "(including any tax payable in respect of any such dividend)".

Closing of transfer books

5.—(1) The directors may close a relevant register for a period or periods not exceeding 30 days in any calendar year.

(2) Any transfer lodged for registration after a relevant register has been closed shall as between the company and any person claiming under the transfer be treated as having been made immediately after the next payment of any dividend, interim dividend or interest as the case may be.

(3) Section 17 of the Companies Clauses Consolidation Act 1845 **(a)** (which was applied to the Company by section 2 of the Sunningdale District Water Act 1877 **(b)** as amended and extended) shall cease to apply to the Company.

(4) "Relevant register" means a register of transfers of any class of ordinary or preference stock, debentures, debenture stock or mortgages.

Temporary borrowing

6. In section 7 (Temporary borrowing) of the North Surrey Water Order 1983 **(c)** there shall be inserted after the word "banks" the words "or by the issue of bills of exchange or promissory notes".

Repeal and Revocation of enactments

7. Section 59 (closing of transfer books) of the South West Suburban Water Act 1928**(d)** is hereby repealed, and Schedule 2 to the Order of 1965 so far as it relates to section 55 of the Third Schedule is hereby revoked.

Costs of order

8. All 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.

(a) 1845 c.16. **(b)** 40 & 41 Vict c.clxii. **(c)** S.I. 1983/156.
(d) 18 & 19 Geo. 5. c.lxxviii.

Signed by authority of
the Secretary of State
7th February 1986.

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

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