1990 No. 2178

WATER, ENGLAND AND WALES

The Sunderland and South Shields (Constitution and Regulation) Order 1990

Made - - - -	*2nd November 1990*
Laid before Parliament	*7th November 1990*
Coming into force	*28th November 1990*

Whereas provision is made for the constitution and regulation of the Sunderland and South Shields 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 30th August 1990 ("the special resolution") proposed that provision contained in a memorandum and articles of association 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the proposal by this Order that certain provisions of the Sunderland and South Shields Acts and Orders 1852 to 1987 be repealed: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 Sunderland and South Shields (Constitution and Regulation) Order 1990 and shall come into force on 28th November 1990.

(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)**.

(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).

Approval of proposal contained in the special resolution

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

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 28th November 1990.

Consequential provision

4. The provisions of the Sunderland and South Shields Acts and Orders 1852 to 1987 referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 28th November 1990.

Chris Patten

2nd November 1990 — 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 Sunderland and South Shields Water plc and the Articles of Association of Sunderland and South Shields Water plc(a).

SCHEDULE 2

PROVISIONS OF THE SUNDERLAND AND SOUTH SHIELDS WATER ACTS AND ORDERS 1852 TO 1987 REPEALED

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title	*Reference*	*Extent of repeal*
The Sunderland and South Shields Waterworks Act 1852.	1852 c.xxvii.	Sections 2 and 4 to 7. Section 8, so far as relating to the incorporation of the 1845 Act. Sections 10 to 15, 17 to 24, 27, 28 and 31 to 34.
The Sunderland and South Shields Waterworks Amendment Act 1859.	1859 c.vi.	Sections 8, 9, 11, 12 and 15 to 17.
The Sunderland and South Shields Water Act 1868.	1868 c.lxxii.	Sections 3, 17, 19, 20, 24 and 25.
The Sunderland and South Shields Water Act 1891.	1891 c.xxxiii.	Section 2, so far as relating to the application of the 1845 Act and the 1863 Act. Sections 32 and 36 to 39.
The Sunderland and South Shields Water Act 1921.	1921 c.xlvii.	Sections 2(2), 24, 38, 44, 45, 50 to 53, 56, 61, 62, 65 to 68, 72 to 76 and 78 to 81.
The Sunderland and South Shields Water Act 1922.	1922 c.xxvi.	Sections 2(2) and 27.
The Sunderland and South Shields Water Act 1934.	1934 c.lxxiv.	Sections 11 (so far as unrepealed) and 41 to 45.

(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	*Reference*	*Extent of repeal*
The Sunderland and South Shields (Burnhope Supply) Order 1953.	S.I.1953/722.	Sections 7 to 9.
The Sunderland and South Shields Water (Capital Powers) Order 1953.	S.I.1953/1551.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water (Financial Provisions) Order 1955.	S.I.1955/926.	The whole Order, so far as unrepealed.
The Derwent Water Order 1957.	S.I.1958/496.	Sections 26, 29 and 30.
The Sunderland and South Shields Water (No. 3) Order 1959.	S.I.1959/2278.	In section 4, subsections (4) and (6) to (8). In the Second Schedule, the entries relating to sections 75, 77 and 78 of the Third Schedule to the Water Act 1945**(a)**.
The Sunderland and South Shields Water (Capital Powers) order 1964.	S.I.1964/1291.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water (Financial Provisions) Order 1968.	S.I.1968/655.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water (Financial Provisions) Order 1970.	S.I.1970/1237.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water (Financial Provisions) Order 1975.	S.I.1975/967.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water (Miscellaneous Provisions) Order 1975.	S.I.1975/1733.	The whole Order.
The Sunderland and South Shields Water Order 1976.	S.I.1976/1142.	The whole Order, so far as unrepealed.
The Sunderland and South Shields Water Order 1979.	S.I.1979/1457.	Sections 3(1) and (2) and 4. In section 5, the words "share capital", the entries relating to sections 61, 62, 65 and 66 of the Sunderland and South Shields Water Act 1921**(b)** and the entries relating to the Sunderland and South Shields Water (Financial Provisions) Order 1970**(c)** and the Sunderland and South Shields Water (Financial Provisions) Order 1975**(d)**. Sections 6 to 8.
The Sunderland and South Shields Water Order 1982.	S.I.1982/1716.	The whole Order.
The Sunderland and South Shields Water Order 1987.	S.I. 1987/2073.	Articles 2 and 3.

(a) 1945 c.42.
(b) 1921. c.xlvii.
(c) S.I. 1970/1237.
(d) S.I. 1975/967.

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 Sunderland and South Shields Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Sunderland and South Shields Acts and Orders 1852 to 1987 (article 2). It also provides that the date on which those provisions cease to have effect is 28th 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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