STATUTORY INSTRUMENTS

1975 No. 1733

WATER, ENGLAND AND WALES

The Sunderland and South Shields Water (Miscellaneous Provisions) Order 1975

Made - - - *24th October* 1975

Coming into Operation *1st November* 1975

The Secretary of State for the Environment, in exercise of powers conferred by sections 23, 32 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 Sunderland and South Shields Water (Miscellaneous Provisions) Order 1975 and shall come into operation on 1st November 1975.

(2) This order shall be included among the enactments which may be cited together as the Sunderland and South Shields Water Acts and Orders 1852 to 1975.

Interpretation.

2.—(1) In this order, unless the context otherwise requires, expressions to which meanings are assigned by the Third Schedule to the Water Act 1945 have the same respective meanings; and—

"the Company" means the Sunderland and South Shields Water Company;

"directors" means the board of directors for the time being of the Company;

"the existing enactments" means the Sunderland and South Shields Water Acts and Orders 1852 to 1975;

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

(2) Unless the context otherwise requires, any reference in this order to any enactment shall be construed as a reference to that enactment as amended by, or having effect by virtue of, any subsequent enactment, including this order.

(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

[DOE 21101]

Power to pay interest out of capital.

3.—(1) Notwithstanding anything in the existing enactments or any enactment incorporated therewith, where the Company borrow moneys for the purpose of providing funds for making any payment in respect of the cost of the construction of any works specified in any enactment, the Company may, for such one period as the directors may determine expiring not later than the date on which those works are completed and brought into use, subject to a maximum period of five years, charge to capital account as part of the cost of the construction of those works interest at such rate as the directors may determine, in accordance with subsection (2) of this section, on any moneys so borrowed.

(2) The rate of interest charged to capital account under this section shall not exceed in any year 10 per cent. unless the Secretary of State consents to a higher rate.

(3) Notice that the Company have power to pay interest out of capital under this section shall be given in every prospectus, advertisement or other document of the Company issued after the coming into operation of this order inviting subscriptions for stock.

(4) The accounts of the Company for any year shall show the amount of borrowed moneys on which, and the rate at which, interest thereon has been paid in that year in pursuance of this section.

(5) Save as provided in this section no interest shall be paid out of any capital which the Company are authorised to raise by any enactment.

Change of financial year.

4. If by resolution passed before 1st December in any year the directors so determine, the accounts of the Company shall be made up in respect of the period of 15 months from 1st January in the next succeeding year to 31st March in the year next succeeding that year, and thereafter the accounts of the Company shall be made up in respect of the period from 1st April in any year to 31st March in the next succeeding year; and, as from the end of the said period of 15 months, the following provisions of this section shall have effect:—

(*a*) For the purposes of section 14 of the Companies Clauses Act 1863(**a**) as incorporated in the existing enactments, the prescribed day shall be 31st March.

(*b*) The expression "year" where used in the existing enactments in relation to the Company shall be taken to mean a year ending on 31st March.

Repeal of enactments.

5. The following enactments are hereby repealed:—

Sunderland and South Shields Water Act 1922(**b**)—

Section 23 (Power to pay interest out of capital during construction);

The Derwent Water Order 1957(**c**)—

Section 31 (Power to Company to pay interest out of capital during construction).

(**a**) 1863 c. 118.

(**b**) 1922 c. xxvi.

(**c**) S.I. 1958/496.

6. For the purposes of this order, section 94 of the Third Schedule to the Water Act 1945 (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.

Application of section 94 of Third Schedule to Water Act 1945.

J. R. Niven

Signed by authority of
the Secretary of State

An Under Secretary in the
Department of the Environment.

24th October 1975.