1989 No. 2379

WATER, ENGLAND AND WALES

The Sutton District Water Company (Constitution and Regulation) Order 1989

Made - - - -	*15th December 1989*
Laid before Parliament	*21st December 1989*
Coming into force	*11th January 1990*

Whereas provision is made for the constitution and regulation of the Sutton District 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 27th October 1989 ("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 sub-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of the proposal by this Order that certain provisions of the Sutton District Water Acts and Orders 1871 to 1988 be repealed:

Now therefore, the Secretary of State, in exercise of the 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 Sutton District Water Company (Constitution and Regulation) Order 1989 and shall come into force on 11th January 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 for the purposes of section 101(2) of the Act.

Cessation of local statutory provisions

3. The date on which the local statutory provisions shall cease to have effect and the memorandum and articles shall come into force is 11th January 1990.

Consequential provision

4. The provisions of the Sutton District Water Acts and Orders 1871 to 1988 mentioned in Schedule 2 hereto shall be repealed to the extent indicated in that Schedule with effect from the date mentioned in article 3.

Chris Patten
15th December 1989 — 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 The Sutton District Water Plc and the Articles of Association of The Sutton District Water Plc(a).

SCHEDULE 2

Article 4

PROVISIONS OF THE SUTTON DISTRICT WATER ACTS AND ORDERS 1871 TO 1988 REPEALED

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title of enactment	*Reference*	*Extent of repeal*
The Sutton District Waterworks Act, 1871	1871 c.xv	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act and sections 7, 19, 21, 22, 29, 30, 32 to 34, and 36 to 39
The Sutton District Waterworks Act 1887	1887 c.lxxxix	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 7, 9, 11 to 14, 19, and 21 to 27
The Sutton District Waterworks Act 1903	1903 c.xviii	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 21, 23, and 30 to 32
The Sutton District Waterworks Act 1915	1915 c.lvi	The whole Act
The Sutton District Waterworks Act 1921	1921 c.xxiv	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act, and sections 13, 23, 29, 33, and 43 to 49
The Sutton District Waterworks Act 1929	1929 c.xxviii	Sections 2, 7 to 9, 12 to 14, and 20 to 23

(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 Sutton District Waterworks Order 1910	See 1910 c.xciii	Section 19
The Sutton District Water Order 1963	S.I. 1963/2128	Section 3, so far as relating to the application and incorporation of provisions connected with the constitution and regulation of the Company
The Sutton District Water Order 1967	S.I. 1967/683	The whole Order
The Sutton District Water Order 1971	S.I. 1971/270	The whole Order
The Sutton District Water Order 1975	S.I.1975/1756	The whole Order
The Sutton District Water Order 1983	S.I.1983/78	Sections 3 to 12
The Sutton District Water Order 1988	S.I. 1988/1094	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 and contained in its local Acts and Orders by provisions contained in a memorandum and articles of association which have been approved by special resolution of the members of the company. The replacement provisions have effect only if they have been approved by the Secretary of State and on such dates as he determines.

This Order approves a proposal by the Sutton District Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Sutton District Water Acts and Orders 1871 to 1988 (article 2). It also provides that the date on which those provisions cease to have effect is 11th January 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.