STATUTORY INSTRUMENTS

1975 No. 1756

WATER, ENGLAND AND WALES

The Sutton District Water Order 1975

Made - - - - *28th October 1975*

Coming into Operation *7th November 1975*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 23 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 Sutton District Water Order 1975 and shall come into operation on 7th November 1975.

(2) The Sutton District Water Acts and Orders 1871 to 1974 and this order may be cited together as the Sutton District Water Acts and Orders 1871 to 1975.

Interpretation.

2.—(1) In this order unless the context otherwise requires—

"the Company" means the Sutton District Water Company;

"the Order of 1974" means the Sutton District Water (Capital Powers) Order 1974(c);

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

(2) Except where the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

Additional capital and borrowing powers.

3. As from the commencement of this order—

(*a*) subsection (1) of section 4 (Capital and borrowing powers) of the Order of 1974 shall be read and have effect as if for the amount of seven million pounds there were substituted the amount of twelve million pounds;

(*b*) subsection (1) of section 5 (Maximum rates of dividend) of the Order of 1974, shall be read and have effect as if for the references to the Order of 1974 and to the commencement of that Order there were substituted references to this order and to the commencement of this order.

(a) 1945 c. 42.

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

(c) S.I. 1974/997.

Director holding office under or contracting with the Company.

4. Notwithstanding anything in the Companies Clauses Consolidation Act 1845(a) a person shall not be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract:

Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director—

(*a*) the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and

(*b*) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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

5. For the purposes of this order the provisions of section 94 of the Third Schedule to the Water Act 1945 (which provides for copies of the special Act to be kept by undertakers in their office, and to be deposited with certain officers), shall apply to the undertaking and are hereby incorporated with this order.

Costs of order.

6. The costs, charges and expenses of and incidental to the application for and the preparation and making of this order may in whole or in part be defrayed by the Company out of revenue.

Signed by authority of
the Secretary of State
28th October 1975.

J. R. Niven,
An Under Secretary in the
Department of the Environment.

(a) 1845 c. 16.

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