1990 No. 1128

WATER, ENGLAND AND WALES

The York Waterworks (Constitution and Regulation) Order 1990

Made - - - -	*24th May 1990*
Laid before Parliament	*1st June 1990*
Coming into force -	*22nd June 1990*

Whereas provision is made for the constitution and regulation of The York Waterworks 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 28th March 1990 ("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 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of his approval of the proposal by this Order that certain provisions of the York Water Acts and Orders 1846 to 1985 be repealed: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 York Waterworks (Constitution and Regulation) Order 1990 and shall come into force on 22nd June 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 22nd June 1990.

Consequential provision

4. The provisions of the York Water Acts and Orders 1846 to 1985 referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 22nd June 1990.

Chris Patten
One of Her Majesty's Principal Secretaries of State

24th May 1990

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 York Waterworks Plc and the Articles of Association of The York Waterworks Plc(a).

SCHEDULE 2

Article 4

PROVISIONS OF THE YORK WATER ACTS AND ORDERS 1846 TO 1985 REPEALED

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title of enactment	*Reference*	*Extent of repeal*
The York New Water-works Act 1846.	1846 c.xvii.	Section 1, so far as relating to the application and incorporation of provisions of the 1845 Act. Sections 3 to 6 and 13 to 15.
The York New Waterworks Act 1876.	1876 c.1.	Section 3, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act. Sections 12, 16 to 20, 23 and 27 to 29.
The York Waterworks Act 1895.	1895 c.xxxix.	Sections 2, 4, 8, 10, 11, 15, 19 and 22.
The York Waterworks Act 1932.	1932 c.xiv.	Section 2, so far as relating to the application and incorporation of provisions of the 1845 Act and the 1863 Act. Sections 4, 5, 7, 8, 10 to 13, 17 to 19, 21, 22, 24, 27, 70 to 73 and 75 to 86.

(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 York Waterworks Order 1927.	Confirmed by 1927 c.xxxvi.	The whole Order, so far as unrepealed.
The York Water Order 1939.	Confirmed by 1939 c.xl.	Sections 3 (so far as unrepealed), 6, 11, 12 and 18(e).
The York Water Order 1951.	S.I. 1951/1486.	The whole Order, so far as unrepealed.
The York Water Order 1959.	S.I. 1959/1459.	The whole Order, so far as unrepealed.
The York Water Order 1965.	S.I. 1965/1089.	The whole Order, so far as unrepealed.
The York Water Order 1968.	S.I. 1968/923.	The whole Order, so far as unrepealed.
The York Water Order 1969.	S.I. 1969/1661.	The whole Order, so far as unrepealed.
The York Water Order 1973.	S.I. 1973/497.	The whole Order, so far as unrepealed.
The York Water Order 1975.	S.I. 1975/852.	The whole Order, so far as unrepealed.
The York Water Order 1979.	S.I. 1979/1527.	The whole Order, so far as unrepealed.
The York Water Order 1980.	S.I. 1980/2020.	The whole Order.
The York Water Order 1985.	S.I. 1985/819.	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 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 York Waterworks Company that a memorandum and articles of association should have effect in substitution for provisions contained in the York Water Acts and Orders 1846 to 1985 (article 2). It also provides that the date on which those provisions cease to have effect is 22nd June 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.