

1987 No. 750

WATER, ENGLAND AND WALES

The Cambridge Water Order 1987

Made - - - - - *9th April 1987*

Coming into force *10th April 1987*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 23, 32(1), 33, 50 and 59(1)(a) of the Water Act 1945 (b) and now vested in him (c), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Cambridge Water Order 1987 and shall come into force on 10th April 1987.

(2) The Cambridge Water Acts and Orders 1853 to 1986 and this Order may be cited together as the Cambridge Water Acts and Orders 1853 to 1987.

Interpretation

2. In this Order—

“the Company” means the Cambridge Water Company;

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

Amendment of enactments

3.—(1) Subsection (3) of section 4 (application of Third Schedule to the undertaking) of the Cambridge Waterworks Order 1959 (d) shall be amended as follows—

(a) after paragraph (c) there shall be inserted the following paragraph—

“(cc) for section 55 (which provides for the making and dates for payment of water rates) there shall be substituted the following section—

“55.—(1) Undertakers who charge water rates under the special Act shall make such a rate by fixing, in respect of a period of twelve months commencing on either the first day of January, the first day of April, the first day of July or the first day of October (hereinafter called “the relevant period”), the rate-poundage or, as the case may be, the scale of rate-poundages, by reference to which amounts due under the rate are to be calculated.

(2) Any rate made in respect of a relevant period shall be payable in respect of any premises by one of the following methods, namely—

(a) by equal half-yearly instalments on such dates within the first and seventh months of a relevant period as the undertakers may specify; or

(a) See the definition of “Minister”.

(b) 1945 c.42.

(c) S.I. 1951/142, 1900, 1970/1681.

(d) S.I. 1959/1131.

- (b) if the directors of the undertakers so resolve, and the person who is liable to pay the water rate in respect of any premises so elects—
 - (i) a single payment on or before such date within the relevant period as the undertakers may specify;
 - (ii) subject to subsection (10), not more than ten equal instalments at intervals of not less than one month on such dates within the relevant period as the directors of the undertakers may specify.

(3) A water rate made in respect of a relevant period shall, unless and until a new rate is made under subsection (1), continue to have effect in respect of each successive period of twelve months.

(4) If the person who is, or who, but for the provisions of section 54 above, would be liable to pay any water rate is in occupation of premises for part only of a relevant period, that person or, as the case may be, the owner of the premises, shall be liable to pay a due proportion of the rate calculated at a daily rate in respect of any period of occupation.

(5) If, and so long as, any water rate is payable by half-yearly instalments, no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

(6) Subject to subsections (4) and (5), where a person receives a supply of water to any premises, either for the first time or after a discontinuance of supply, he shall be liable to pay any instalment or amount due in respect of the water rate on the day on which notice requiring the supply is given to the undertakers or, if no such notice is given, on the day when they commence the supply.

(7) A person who elects to pay a water rate in instalments in accordance with subsection (2)(b)(ii) shall give notice to that effect to the undertakers on or before such date within the relevant period as the undertakers may specify.

(8) Subject to subsection (9), a notice mentioned in subsection (7) shall continue to have effect in each subsequent relevant period until withdrawn by a further notice to the undertakers.

(9) A notice mentioned in subsection (7) shall cease to have effect if any payment or instalment is not made on or before the due date in a relevant period and the undertakers give notice to that effect to the person in default, and thereupon any sum due shall be recoverable by the undertakers as if a notice mentioned in subsection (7) had not been given.

(10) Where any water rate is payable by instalments the undertakers may adjust the amount of the first or last instalment so that no instalment comprises or includes an amount of less than a penny.

(11) In this section “specify” means set out in a written notice sent by the undertakers to a person liable to pay any water rate.”;”;

(b) for paragraph (f) there shall be substituted the following paragraphs—

“(f) in section 76 (which provides for the establishment of reserve and contingency funds)—

- (i) in subsection (1) for the word “they” where that word first occurs there shall be substituted the words “the directors of the company”, after the words “as they think fit” there shall be inserted the words “(not being provisions for liabilities or charges within paragraph 89 of Schedule 4 to the Companies Act 1985)”(a) and for the word “them” in paragraph (a) there shall be substituted the words “the company”;
- (ii) in subsection (3) for the words “The undertakers” there shall be substituted the words “The directors of the company”;
- (iii) in subsection (4) after the word “together” there shall be inserted the words “with the provision made for depreciation” and for the words

(a) 1985 c.6.

"twelve and a half" there shall be substituted the word "forty";

(iv) in subsection (5) after the words "contingency fund" there shall be inserted the words "together with the annual provision made for depreciation in that year" and for the words "one and a quarter" there shall be substituted the word "four";

(ff) in subsection (1) of section 77 (which places a limitation on the balance carried forward at the end of the year) in paragraph (a) after the word "dividend" and in paragraph (c) after the word "dividends" there shall be inserted the words "together with the advance corporation tax associated therewith".

(2) In subsection (1) of section 5 (temporary borrowing) of the Cambridge Waterworks Order 1961(a)–

(a) for the words from "any provisions of" to the words "and Orders, 1853 to 1961" there shall be substituted the words "the Cambridge Water (No. 2) Order 1978";

(b) in the proviso for the words "one hundred thousand pounds" there shall be substituted the words "seven hundred and fifty thousand pounds".

(3) The Cambridge Water (No. 2) Order 1978(b) shall be amended as follows–

(a) for section 4 (capital and borrowing powers) there shall be substituted the following section–

"4.—(1) The Company may raise capital by–

- (a) the issue of shares;
- (b) borrowing on mortgage of the undertaking;
- (c) borrowing by the issue of debenture stock.

(2) Any sums to be raised in accordance with subsection (1), when added to–

- (a) the sums raised by the issue of existing share capital before the relevant date; and
 - (b) other amounts raised by borrowing and still outstanding on that date,
- shall not exceed £30 million.

(3) Subject to subsection (4), the Company shall take such steps as may be necessary to ensure that the amounts raised as mentioned in paragraphs (b) and (c) of subsection (1) which are at any time outstanding do not exceed twice the aggregate of–

- (a) the sums raised by the issue of existing share capital; and
- (b) the amount of the Company's reserves.

(4) With the consent of the Secretary of State, the Company may raise an additional amount, as mentioned in paragraphs (b) and (c) of subsection (1), not exceeding ten per cent. of the total on the relevant date of the sums and amount specified in paragraphs (a) and (b) of subsection (3).

(5) For the purposes of this section–

- (a) the amount raised by the issue of share capital or debenture stock is the amount raised after taking into account any premiums or discounts; and
- (b) in the case of any share capital or debenture stock issued for a consideration other than cash the nominal value shall be taken to have been the amount raised by that issue.

(6) The Company's powers of borrowing may be exercised without obtaining a certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 (c).

(7) Sums to be raised by the Company may be raised by the issue of new ordinary shares or stock or new preference shares or stock or, at the Company's option, by any of those methods.

(8) The Company shall not pay interest on any moneys borrowed or debenture stock issued under this section at a higher rate than seven per cent. per annum or such higher rate as the Secretary of State may from time to time allow:

(a) S.I. 1961/2192.

(b) S.I. 1978/986.

(c) 1845 c.16.

Provided that the consent of the Secretary of State shall not be required to the payment of interest on moneys borrowed by the Company on mortgage of the undertaking or by the issue of debenture stock at a rate higher than seven per cent. per annum if the rate is a fixed rate and is certified to the Company as being appropriate in the circumstances of the case by—

(a) the firm of stockbrokers, being members of a recognised stock exchange as defined in section 16(1) of the Company Securities (Insider Dealing) Act 1985(a), or the bankers who placed the mortgage or placed or underwrote the issue of debenture stock; or

(b) in the case of the raising of money on mortgage, an accountant or firm of accountants being either the duly appointed auditor or auditors of the Company or a person qualified to be so appointed.

(9) In this section—

“the Company’s reserves” means the aggregate of any of the following amounts appearing in the Company’s last audited balance sheet—

(a) any capital reserve;

(b) any sum carried forward in accordance with section 77 of the Third Schedule to the Water Act 1945; and

(c) any amounts standing to the credit of any reserve or contingency fund established and maintained in accordance with section 76 of that Schedule;

“the relevant date” means the date on which the Company exercise the powers mentioned in subsection (1).”.

(b) In subsection (1) of section 5 (maximum rates of dividend) for the words “commencement of this order” there shall be substituted the words “Cambridge Water Order 1987”.

Revocation

4. The Cambridge Water Order 1978(b) is hereby revoked.

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

5. For the purpose of this Order, section 94 of the Third Schedule to the Water Act 1945 (c) (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.

Costs of Order

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

Signed by authority of the Secretary of State.

J. Hobson
An Under Secretary in the
Department of the Environment

9th April 1987

(a) 1985 c.8.

(b) S.I. 1978/881.

(c) 1945 c.42; section 94 was amended by article 3 of S.I. 1986/1.

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