
 STATUTORY INSTRUMENTS

1990 No. 2177

WATER, ENGLAND AND WALES

The Newcastle and Gateshead Water (Constitution and Regulation) Order 1990

<i>Made</i> - - - -	<i>2nd November 1990</i>
<i>Laid before Parliament</i>	<i>7th November 1990</i>
<i>Coming into force</i>	<i>28th November 1990</i>

Whereas provision is made for the constitution and regulation of The Newcastle and Gateshead 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 30th August 1990 ("the special resolution") proposed that provision contained in a memorandum and articles of association 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the proposal by this Order that certain provisions of the Newcastle and Gateshead Water Acts and Orders 1863 to 1988 be repealed: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 Newcastle and Gateshead Water (Constitution and Regulation) Order 1990 and shall come into force on 28th November 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).

Approval of proposal contained in the special resolution

2. The proposal contained in the special resolution is hereby approved.

(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).

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 28th November 1990.

Consequential provision

4. The provisions of the Newcastle and Gateshead Water Acts and Order 1863 to 1988 referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 28th November 1990.

2nd November 1990

Chris Patten
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 Newcastle and Gateshead Water plc and the Articles of Association of Newcastle and Gateshead Water plc(a).

Article 4

SCHEDULE 2**PROVISIONS OF THE NEWCASTLE AND GATESHEAD WATER ACTS
AND ORDERS 1863 TO 1988 REPEALED**

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
Newcastle and Gateshead Water (Consolidation, etc.) Order 1982.	S.I. 1982/1718.	Sections 3 and 4. In section 7, subsections (2)(c) to (e) Sections 8 to 13 and 17 to 30.
Newcastle and Gateshead Water Order 1988.	S.I. 1988/56.	Section 3. Section 5 and Schedule 2, save so far as relating to subsections (1) and (2)(a) of section 7 of the 1982 Order.

(a) A copy of the documents may be inspected at the Department of the Environment, Romney House, 43 Marsham Street, London SW1P 3PY.

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 Newcastle and Gateshead Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Newcastle and Gateshead Water Acts and Orders 1863 to 1988 (article 2). It also provides that the date on which those provisions cease to have effect is 28th November 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.