
STATUTORY INSTRUMENTS

1991 No. 1733

WATER, ENGLAND AND WALES

**The Mid Southern Water Company
(Constitution and Regulation) Order 1991**

<i>Made</i>	- - - -	<i>24th July 1991</i>
<i>Laid before Parliament</i>		<i>30th July 1991</i>
<i>Coming into force</i>	- -	<i>20th August 1991</i>

Whereas provision is made for the constitution and regulation of the Mid Southern Water Company (“the Company”) in local statutory provisions (“the relevant provisions”):

And whereas the Company holds an appointment as a water undertaker under Chapter I of Part II of the Water Act 1989⁽¹⁾ (“the Act”):

And whereas the relevant provisions would, if the Company became a registered water company⁽²⁾, have effect in accordance with paragraph 5 of Schedule 21 to the Companies Act 1985⁽³⁾:

And whereas the Company has by a special resolution passed on 17th June 1991 (“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 relevant 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of the proposal by this Order that the local statutory provisions which are specified in Schedule 2 to this Order be repealed: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 Mid Southern Water Company (Constitution and Regulation) Order 1991 and shall come into force on 20th August 1991.

(1) 1989 c. 15.
(2) See section 101(8) of the Water Act 1989.
(3) 1985 c. 6.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In this Order—

“the 1845 Act” means the Companies Clauses Consolidation Act 1845⁽⁴⁾; and

“the 1863 Act” means the Companies Clauses Act 1863⁽⁵⁾.

Approval of proposal contained in the special resolution

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

Date on which memorandum and articles come into force

3. The date specified for the purposes of section 101(2) of the Act as the date on which the memorandum and articles shall come into force and the relevant provisions shall cease to have effect is 20th August 1991.

Consequential provision

4. The local statutory provisions referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 20th August 1991.

24th July 1991

Michael Heseltine
One of Her Majesty’s Principal Secretaries of
State

(4) 1845 c. 16.

(5) 1863 c. 118, amended by the Companies Clauses Act 1869 (c. 48).

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 Mid Southern Water plc and the Articles of Association of Mid Southern Water plc(6).

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title	Reference	Extent of repeal
The Frimley & Farnborough District Water Act 1893.	1893 c.clxxxv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 4, 6, 10, 11, 13, 15, 20, 21, 30, 31, 52 and 55.
The Wey Valley, Frimley & Farnham Water Act 1898.	1898 c.cclx.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 78 to 80, 82 and 83.
The Frimley and Farnborough District Water Act 1909.	1909 c.xlvii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 19, 20, 38 to 41 and 44.
The Frimley and Farnborough District Water Act 1915.	1915 c.xiii.	Sections 2, 19 to 22, 26, 27, 32 and 34 to 36.
The Frimley and Farnborough District Water Act 1927.	1927 c.xii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 22 to 24, 29 to 33 and 36 to 42. Schedule 2.
The Frimley and Farnborough District Water Act 1933.	1933 c.xxxiv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 63 to 67.

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

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Title	Reference	Extent of repeal
The Mid-Wessex Water Act 1935.	1935 c.xxxiv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 4, 55 and 58 to 62.
The Mid-Wessex Water Act 1940.	1940 c.xli.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 28 to 34.
The Mid-Wessex Water Act 1959.	1959 c.xliii.	Section 3(1) and (2), 22 and 27.

PART II

PROVISIONS OF ORDERES REPEALED

Title	Reference	Extent of repeal
The Frimley and Farnborough District Water Order 1901.	Confirmed by 1901 c.clxiv.	Sections 4, 6, 7, 10 to 12, 16 and 18.
The Frimley and Farnborough District Water Order 1904.	Confirmed by 1904 c.clxxxvi.	Sections 4, 10, 11, 14 to 17, 20 and 22.
The Frimley and Farnborough District Water Order 1931.	Confirmed by 1931 c.xl.	Section 4 so far as relating to the 1845 Act and the 1863 Act. Sections 19 to 24 and 29.
The Mid-Wessex Water Order 1948.	S.I.1948/2821.	Sections 4 and 18.
The Mid-Wessex Water Order 1949.	S.I. 1949/2404.	Sections 2 and 22 to 26.
The Mid-Wessex Water Order 1954.	S.I. 1954/1223.	The whole Order.
The Mid-Wessex Water Order 1956.	S.I. 1956/1875.	Sections 2, 9 and 11(3). So much of section 13(2) and Schedule 3 as relates to section 35 of the Maidenhead Water Act 1875(7). Sections 16 to 20, 31 and 32.
The Mid-Wessex Water (Financial Provisions) Order 1957.	S.I. 1957/931.	The whole Order.
The Mid-Wessex Water (No. 2) Order 1957.	S.I. 1957/2233.	So much of section 3 and Schedule 1 as relates to

(7) [1875 c.xxxi.](#)

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Title	Reference	Extent of repeal
		sections 74 to 78 of Schedule 3 to the Water Act 1945(8).
		Section 5(1)(c).
The Mid-Wessex Water Order 1960.	S.I. 1960/1553 .	The whole Order.
The Mid-Wessex Water Order 1963.	S.I. 1963/62 .	The whole Order.
The Mid-Wessex Water Order 1968.	S.I. 1968/1785 .	The whole Order.
The Mid Southern Water Order 1969.	S.I. 1969/1754 .	Section 2(1) to (3).
		Sections 5, 6, 8 to 11, 17 to 19 and 27 to 33.
The Mid Southern Water Order 1972.	S.I. 1972/878 .	The whole Order.
The Mid Southern Water Order 1986.	S.I. 1986/136 .	Section 6.
The Mid Southern Water Order 1987.	S.I. 1987/613 .	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 Mid Southern Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the company's local Acts and Orders (article 2). It also provides that the date on which those provisions cease to have effect is 20th August 1991 (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.

(8) [1945 c. 42](#).

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