
STATUTORY INSTRUMENTS

1992 No. 17

WATER, ENGLAND AND WALES

**The Eastbourne Water Company
(Constitution and Regulation) Order 1992**

<i>Made</i>	- - - -	<i>8th January 1992</i>
<i>Laid before Parliament</i>		<i>14th January 1992</i>
<i>Coming into force</i>	- -	<i>4th February 1992</i>

Whereas provision is made for the constitution and regulation of the Eastbourne 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 Industry Act 1991(1):

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 29th October 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 12 (2) of the Statutory Water Companies Act 1991(4) (“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his approval of the proposal by this Order that the local statutory provisions specified in Schedule 2 to this Order be repealed:

Now, therefore, the Secretary of State, in exercise of powers conferred on him by sections 12 (1) and 14 of the Act, hereby makes the following Order:

(1) 1991 c. 56.
(2) See section 15(2) of the Statutory Water Companies Act 1991 (c. 58).
(3) 1985 c. 6.
(4) 1991 c. 58.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Eastbourne Water Company (Constitution and Regulation) Order 1992 and shall come into force on 4th February 1992.

(2) In this Order—

“the 1845 Act” means the Companies Clauses Consolidation Act 1845⁽⁵⁾;

“the 1863 Act” means the Companies Clauses Act 1863⁽⁶⁾; and

“the Third Schedule” means the Third Schedule to the Water Act 1945⁽⁷⁾.

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 etc.

3. The date specified for the purposes of section 12 (1) 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 4th February 1992.

Consequential provision

4. The local statutory provisions referred to in Schedule 2 here to are repealed to the extent indicated in that Schedule with effect from 4th February 1992.

8th January 1992

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

(5) 1845 c. 16.

(6) 1863 c. 118, amended by the Companies Clauses Act 1869 (c. 48).

(7) 1945 c. 42.

SCHEDULE 1

DOCUMENTS HAVING EFFECT AS MENTIONED IN SECTION 12(1)(b) OF THE STATUTORY WATER COMPANIES ACT 1991

The documents comprising the Memorandum of Association of Eastbourne Water plc and the Articles of Association of Eastbourne Water plc⁽⁸⁾.

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title	Reference	Extent of repeal
The Eastbourne Waterworks Act 1859.	1859 c.xcix.	Section 3 so far as relating to the 1845 Act. Sections 6 to 9, 11, 12,14 to 18 and 40.
The Eastbourne Waterworks Act 1875.	1875 c.xxx.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 11 to 18, 20, 26 and 28.
The Eastbourne Waterworks Act 1881.	1881 c.l.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 22 to 28, 30, 32, 36 and 38.
The Eastbourne Waterworks Act 1889.	1889 c.lxxvii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 14 to 17, 19, 24, 30, 31 and 33.
The Eastbourne Waterworks Act 1896.	1896 c.clxxxvii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 22 to 25, 27, 32, 39, 40 and 42.
The Eastbourne Waterworks Act 1897.	1897 c.cxxiv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 16 to 19, 21, 26, 33, 34 and 36.

⁽⁸⁾ 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 Eastbourne Waterworks Act 1920.	1920 c.lxiv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 4, 8 to 10, 17 and 18.
The Eastbourne Waterworks Act 1921.	1921 c.xxvi.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 20, 22 to 25, 27, 29, 31, 34 and 37 to 39.

PART II

PROVISIONS OF ORDERS REPEALED

Title	Reference	Extent of repeal
The Eastbourne Water Order 1948.	S.I.1948/2462.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 19, 21 and 24.
The Eastbourne Water Order 1952.	S.I. 1952/755.	Sections 3, 8, 10, 15 and 16. In Schedule 2, the entry relating to section 74 of the Third Schedule.
The Heathfield and District Water Order 1956.	S.I. 1956/1474.	The whole Order.
The Eastbourne Water Order 1959.	S.I. 1959/1738.	Section 3 (1) and (2). Sections 5 to 12 and 20.
The Eastbourne Water (Financial Provisions) Order 1961.	S.I. 1961/1011.	The whole Order.
The Eastbourne Water Order 1962.	S.I. 1962/700.	Section 3 so far as relating to the 1845 Act and the 1863 Act. Section 24. Section 28, save so far as relating to sections 12 and 14 of the Eastbourne Water Order 1952. Section 29. In Schedule 3, the item relating to section 75 of the Third Schedule.

Title	Reference	Extent of repeal
The Eastbourne Water (Financial Provisions) Order 1966.	S.I. 1966/1428 .	The whole Order.
The Eastbourne Water Order 1967.	S.I. 1967/1036 .	Section 3 so far as relating to sections 74 to 78 of the Third Schedule. Sections 6 to 8.
The Eastbourne Water (Capital Powers) Order 1968.	S.I. 1968/1431 .	The whole Order.
The Eastbourne Water Order 1970.	S.I. 1970/1265 .	The whole Order.
The Eastbourne Water (Financial Provisions) Order 1971.	S.I. 1971/1279 .	The whole Order.
The Eastbourne Water (Capital Powers) Order 1972.	S.I. 1972/1387 .	The whole Order, save so much of section 7 as relates to sections 12 and 14 of the Eastbourne Water Order 1952.
The Eastbourne Water (Financial Provisions) Order 1983.	S.I. 1983/1188 .	The whole Order, save so much of section 6 as relates to sections 12 and 14 of the Eastbourne Water Order 1952.
The Eastbourne Water (Financial Provisions) Order 1986.	S.I. 1986/2 .	The whole Order.
The Eastbourne Water Order 1988.	S.I. 1988/2306 .	The whole Order.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 12 (1) of the Statutory Water Companies Act 1991 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 Eastbourne 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

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4th February 1992 (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.