
STATUTORY INSTRUMENTS

1995 No. 79

WATER INDUSTRY, ENGLAND AND WALES

**The Hartlepoons Water Company
(Constitution and Regulation) Order 1995**

<i>Made</i>	- - - -	<i>16th January 1995</i>
<i>Laid before Parliament</i>		<i>24th January 1995</i>
<i>Coming into force</i>	- -	<i>14th February 1995</i>

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

And whereas the Company is a statutory water company which 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 12th December 1994 (“the special resolution”) proposed that provision contained in a memorandum and articles which are described in Schedule 1 to this Order, and 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his approval of the proposal by this Order that the local statutory provisions specified in Schedule 2 to this Order be repealed: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:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Hartlepoons Water Company (Constitution and Regulation) Order 1995 and shall come into force on 14th February 1995.

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

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(2) In this Order—

“the Company” means the Hartlepoons Water Company; and

“the relevant provisions” means the local statutory provisions referred to in the special resolution of the Company passed on 12th December 1994.

Approval of proposal contained in the special resolution

2. The proposal contained in the special resolution of the Company passed on 12th December 1994 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 described in Schedule 1 to this Order shall come into force and the relevant provisions shall cease to have effect is 14th February 1995.

Consequential provision

4. The local statutory provisions specified in Schedule 2 to this Order are hereby repealed to the extent indicated in that Schedule.

Department of the Environment
16th January 1995

John Selwyn Gummer
One of Her Majesty’s Principal Secretaries of
State

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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 Hartlepool Water PLC and the Articles of Association of Hartlepool Water PLC(5).

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS PROVISIONS OF ORDERS REPEALED

Title	Reference	Extent of repeal
The Hartlepoons Water (Consolidation, etc.) Order 1986.	S.I. 1986/401.	The whole Order except section 39(2) and Part III of Schedule 4 (protective etc. provisions continued).
The Hartlepoons Water (Red Barns Borehole) Order 1987.	S.I.1987/1597.	The whole Order.
The Hartlepoons Water (Leechmire Borehole) Order 1988.	S.I.1988/1592.	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 local legislation 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 Hartlepoons Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Company's local Orders (article 2). It also provides that the date on which the memorandum and articles of association replace those provisions is 14th February 1995 (article 3) and for the repeal of the superseded provisions and for consequential repeals (article 4).

The Order is associated with the Company's proposal to convert to the status of a registered water company under the Companies Act 1985.

(5) 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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