
STATUTORY INSTRUMENTS

1998 No. 281

WATER INDUSTRY, ENGLAND AND WALES

**The Chester Waterworks Company
(Constitution and Regulation) Order 1998**

<i>Made</i>	- - - -	<i>11th February 1998</i>
<i>Laid before Parliament</i>		<i>17th February 1998</i>
<i>Coming into force</i>	- -	<i>13th March 1998</i>

Whereas provision is made for the constitution and regulation of the Chester Waterworks 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 1 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 1997 (“the special resolution”) proposed that provision contained in a memorandum and articles which are 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his approval of the proposal by this Order that the local statutory provisions specified in Schedule 2 to this Order be repealed;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 the 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.

(3) 1985 c. 6.

(4) 1991 c. 58.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Chester Waterworks Company (Constitution and Regulation) Order 1998 and shall come into force on 13th March 1998.

(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⁾;

“the relevant provisions” means the local statutory provisions referred to in the special resolution of the Company passed on 29th October 1997.

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 13th March 1998.

Consequential provision

4. The local statutory provisions referred to in Schedule 2 to this Order are repealed to the extent indicated in that Schedule with effect from 13th March 1998.

Signed by authority of the Secretary of State for Wales

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

11th February 1998

(5) 1845 c. 16.

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

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 Chester Waterworks plc and the Articles of Association of Chester Waterworks plc.(7).

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS

PART 1

PROVISIONS OF ENACTMENTS REPEALED

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
The Chester Waterworks Act 1857.	1857 c.xi.	Section 3. Section 4 so far as relating to the 1845 Act. Sections 5 to 7, section 8 (except so far as it relates to the protection of Northgate Street Market), 10 to 12, 14 to 16, 19 to 27, 34, 36 to 39, 41, 70 to 88, 90 and 91.
The Chester Waterworks Act 1874.	1874 c. 1xv.	Section 3 so far as relating to the 1863 Act and sections 5 to 10, 12 and 13, 15 to 19, 46 and 48 to 50.
The Chester Waterworks Act 1911.	1911 c. 1xxvii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 41 to 48, 50 to 56, 60 and 61, 63 and 64, 70 and 71.
The Chester Waterworks Act 1930.	1930 c. 1vii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 17, 29, 30, 32, 34 to 45, 51 to 56, 69 and 70.
The Chester Waterworks Act 1935.	1935 c.xix.	Section 3.

(7) A copy of the documents may be inspected at the Welsh Office, Cathays Park, Cardiff CF1 3NQ.

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

PART II

PROVISIONS OF ORDERS REPEALED

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
The Chester Water Order 1950.	S.I. 1950/1159 .	The whole Order.
The Chester Water Order 1953.	S.I. 1953/966 .	The whole Order.
The Chester Water Order 1958.	S.I. 1958/358 .	Sections 3 to 10 and 15.
The Chester Water Order 1959.	S.I. 1959/425 .	The whole Order.
The Chester Water (Charges) Order 1962.	S.I. 1962/654 .	The whole Order.
The Chester Water (Capital) Order 1962.	S.I. 1962/469 .	The whole Order.
The Chester Water Order 1962.	S.I. 1962/655 .	Section 3 so far as relating to sections 75 and 76 of the Third Schedule to the Water Act 1945 ⁽⁸⁾ and Sections 4 and 6.
The Chester Water Order 1967.	S.I. 1967/524 .	The whole Order.
The Chester Water (Borrowing Powers) Order 1968.	S.I. 1968/507 .	The whole Order.
The Chester Water (Borrowing Powers) (Amendment) Order 1969.	S.I. 1969/1409 .	The whole Order.
The Chester Water (Borrowing Powers) Order 1972.	S.I. 1972/1743 .	The whole Order.
The Chester Water (Capital Powers) Order 1975.	S.I. 1975/1442 .	The whole Order.
The Chester Water (Capital Powers) Order 1980.	S.I. 1980/1205 .	The whole Order.
The Chester Water (Capital Powers) (Variation) Order 1985.	S.I. 1985/990 .	The whole Order.

⁽⁸⁾ 1945 c. 42.

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 Chester Waterworks 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 the memorandum and articles of association replace those provisions is 13th March 1998 (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 company under the Companies Act 1985.