
STATUTORY INSTRUMENTS

1975 No. 2177 (N.I. 19)

NORTHERN IRELAND

The Bann Reservoir Company (Northern Ireland)
Order 1975

Laid before Parliament in draft

Made 19th December 1975

Coming into Operation 2nd January 1976

At the Court at Buckingham Palace, the 19th day of December 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, construction, citation and commencement

1.—(1) This Order may be cited as the Bann Reservoir Company (Northern Ireland) Order 1975.

(2) This Order shall be construed as one with the Bann Reservoir Company Acts (Northern Ireland) 1836 and 1961 (b) and may be cited together with them as the Bann Reservoir Company Acts (Northern Ireland) 1836 to 1975.

(3) This Order shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the 1836 Act” means the statute 6 and 7 William IV cap. xcvi intitled “An Act for providing a more abundant and regular supply of water in the river called the Upper Bann, in Ireland”;

(a) 1974 c. 28. (b) 1836 c. xcvi; 1961 c. 1 (N.I.). (c) 1954 c. 33 (N.I.).

“the 1961 Act” means the Bann Reservoir Company Act (Northern Ireland) 1961 (a);

“the Acts” means the 1836 Act and the 1961 Act;

“the Company” means the Bann Reservoir Company incorporated by the 1836 Act;

“the Department” means the Department of the Environment;

“the river” means the Upper Bann River.

Acquisition by Department of Company's undertaking

3.—(1) For the purposes of its functions under the Water and Sewerage Services (Northern Ireland) Order 1973 (b) the Department may by agreement (“the agreement”) with the Company, acquire all or any of the Company's assets and assume responsibility, to the exclusion of the Company, for all or any of the Company's liabilities, and the Company is hereby empowered to enter into the agreement and carry it into effect.

(2) Any two of the directors of the Company, if so authorised by the Company in general meeting, may execute the agreement on behalf of the Company, and may affix the Company's seal to any instrument made in pursuance of the agreement and give a good discharge for any consideration paid by the Department.

(3) On the completion of the acquisition of such of the Company's assets as are to be acquired in pursuance of the agreement, the Company shall be discharged from any obligations under the Acts in connection with the river and its tributaries, and the fall-holders rate and the users rate under the Acts shall, without prejudice to the recovery of any arrears, cease to be payable.

Winding up of the Company and repeal of the Acts

4.—(1) To enable the Company to be wound up in accordance with the provisions of the Companies Act (Northern Ireland) 1960 (c), the Company may, notwithstanding any provision of that Act, be registered under that Act, and accordingly, Part VIII of that Act shall have effect with any necessary modifications.

(2) As from the date on which the Company is dissolved or deemed to be dissolved, such of the provisions of the Acts as are unrepealed shall cease to have effect.

N. E. Leigh

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order enables the Department of the Environment for Northern Ireland to acquire by agreement the water rights and other property of the Bann Reservoir Company, provides for the Company's being discharged from its statutory obligations, and enables the Company to be wound up.