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STATUTORY INSTRUMENTS

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1978 No. 1240

**WATER, ENGLAND AND WALES**

**The West Hampshire Water Order 1978**

*Made* - - - - 18th August 1978

*Coming into Operation* 1st September 1978

The Secretary of State for the Environment, in exercise of powers conferred by sections 23, 32, 33 and 50 of the Water Act 1945(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the West Hampshire Water Order 1978 and shall come into operation on 1st September 1978. Citation and commencement.

(2) The West Hampshire Water Acts and Orders 1893 to 1973 and this order may be cited together as the West Hampshire Water Acts and Orders 1893 to 1978.

2.—(1) In this order, unless the context otherwise requires— Interpretation.

“the Company” means the West Hampshire Water Company;

“the Order of 1973” means the West Hampshire Water Order 1973(c);

“the undertaking” means the undertaking of the Company as for the time being authorised by any enactment.

(2) Unless the context otherwise requires, any reference in this order to any enactment shall be construed as a reference to that enactment as extended or amended by any subsequent enactment, including this order.

3. As from the commencement of this order—

(a) subsection (1) of section 4 (Capital and borrowing powers) of the Order of 1973 shall have effect as if— Additional capital and borrowing powers.

(i) for the words “five million five hundred thousand pounds” there were substituted the words “eight million pounds”;

(ii) in paragraph (i) of the proviso, for the words “the amount” there were substituted the words “twice the amount”;

(iii) in paragraph (ii) of the proviso, for the words “five per cent.” there were substituted the words “ten per cent.”;

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(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681.

(c) S.I. 1973/498.

(b) section 6 (Maximum rates of dividends) of the Order of 1973 shall have effect as if for the references to the Order of 1973 and to the commencement of that order there were substituted references to this order and to the commencement of this order;

(c) section 7 (Temporary borrowing) of the Order of 1973 shall have effect as if in the proviso for the words "two hundred thousand pounds" there were substituted the words "five hundred thousand pounds".

Power to make single quarterly rate.

4. Section 55 (Making and dates for payment of water rates) of the Third Schedule to the Water Act 1945 as applied to the undertaking by section 3 of the West Hampshire Water Order 1960(a) shall have effect as if there were inserted at the end of subsection (1) thereof the following proviso—

"Provided that notwithstanding the foregoing provisions of this subsection the undertakers may make a water rate by fixing a rate poundage in respect of the period of three months next following the expiration of any one such period of twelve months."

Repeal. 5. The West Hampshire (Water Charges) Order 1963(b) is hereby repealed.

Application of section 94 of Third Schedule to Water Act 1945.

6. For the purposes of this order, the provisions of section 94 of the Third Schedule (which requires undertakers to keep a copy of the special Act at their principal office and to deposit copies with certain officers) shall apply to the undertaking and are hereby incorporated with this order.

Costs of order.

7. The costs, charges and expenses of and incidental to the application for, and the preparation and making of, this order shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Signed by authority of  
the Secretary of State  
18th August 1978.

*D. C. Musgrave,*  
An Under Secretary in the  
Department of the Environment.

(a) S.I. 1960/1410.

(b) S.I. 1963/1133.

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