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STATUTORY INSTRUMENTS

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**1990 No. 1617**

**WATER, ENGLAND AND WALES**

**The Portsmouth Water (Constitution  
and Regulation) Order 1990**

<i>Made</i>	- - - -	<i>1st August 1990</i>
<i>Laid before Parliament</i>		<i>10th August 1990</i>
<i>Coming into force</i>	- -	<i>31st August 1990</i>

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

And whereas the Company holds an appointment as a water undertaker under Chapter I of Part II of the Water Act 1989<sup>(1)</sup> (“the Act”):

And whereas the local statutory provisions would, if the Company became a registered water company<sup>(2)</sup>, have effect in accordance with paragraph 5 of Schedule 21 to the Companies Act 1985<sup>(3)</sup>:

And whereas the Company has by a special resolution passed on 21st June 1990 (“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 local statutory provisions (“the proposal”):

And whereas it appears to the Secretary of State that the requirements set out in paragraphs (a) and (b) of section 101(3) of 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approval of the proposal by this Order that certain provisions of the Portsmouth Water Acts and Orders 1857 to 1986 be repealed:

Now, therefore, the Secretary of State, in exercise of powers conferred on him by section 101(2), (6) and (7) of the Act, hereby makes the following Order:

**Citation, commencement and interpretation**

**1.—(1)** This Order may be cited as the Portsmouth Water (Constitution and Regulation) Order 1990 and shall come into force on 31st August 1990.

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<sup>(1)</sup> 1989 c. 15.

<sup>(2)</sup> See section 101(8) of the Water Act 1989.

<sup>(3)</sup> 1985 c. 6.

(2) In this Order—

“the 1845 Act” means the Companies Clauses Consolidation Act 1845(4); and

“the 1863 Act” means the Companies Clauses Act 1863(5).

**Approval of proposal contained in the special resolution**

2. The proposal contained in the special resolution is hereby approved.

**Cessation of local statutory provisions**

3. The date specified for the purposes of section 101(2) of the Act as the date on which the local statutory provisions shall cease to have effect and the memorandum and articles shall come into force is 31st August 1990.

**Consequential provision**

4. The provisions of the Portsmouth Water Acts and Orders 1857 to 1986 referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 31st August 1990.

*Chris Patten*  
One of Her Majesty’s Principal Secretaries of  
State

1st August 1990

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(4) 1845 c. 16.

(5) 1863 c. 118, amended by the Companies Clauses Act 1869 (c. 48).

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## SCHEDULE 1

### DOCUMENTS HAVING EFFECT AS MENTIONED IN SECTION 101(2)(b) OF THE WATER ACT 1989

The documents comprising the Memorandum of Association of Portsmouth Water Plc and the Articles of Association of Portsmouth Water Plc(6).

## SCHEDULE 2

Article 4

### PROVISIONS OF THE PORTSMOUTH WATER ACTS AND ORDERS 1857 TO 1986 REPEALED

## PART I

### provisions of enactments repealed

Title of enactment	Reference	Extent of repeal
The Borough of Portsmouth Waterworks Act 1857.	<a href="#">1857 c.xlv.</a>	Section 3 so far as relating to the application and incorporation of the 1845 Act.  Sections 6 to 9, 13, 14 to 16, 21, 22 and 47 to 52.
The Borough of Portsmouth Waterworks Act 1861.	<a href="#">1861 c.xxi.</a>	Sections 2 to 5, 10, 14 to 17 and 19 to 21.
The Borough of Portsmouth Waterworks Act 1868.	<a href="#">1868 c.xxix.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Sections 8, 9, 12, 13, 16, 17, 19, 21, 22 and 26.
The Borough of Portsmouth Waterworks Act 1879.	<a href="#">1879 c.xxi.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Sections 10, 12 to 14, 18, 19 and 21 to 24.
The Borough of Portsmouth Waterworks Act 1883.	<a href="#">1883 c.clix.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Sections 21, 37, 38, 40 to 42 and 46 to 53.

(6) 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 of enactment	Reference	Extent of repeal
The Borough of Portsmouth Waterworks Act 1896.	<a href="#">1896 c.cxxxv.</a>	Section 20.
The Borough of Portsmouth Waterworks Act 1906.	<a href="#">1906 c.cxlviii.</a>	Sections 2, 11, 12, 18 to 20, 25 to 27, 29, 31, 32, 43 and 44.
The Borough of Portsmouth Waterworks Act 1921.	<a href="#">1921 c.x.</a>	Sections 2, 20, 21, 24 to 27, 29, 33 and 41. The Schedule.
The Portsmouth Water Act 1930.	<a href="#">1930 c.lxvii.</a>	Section 3(1) (b).  Sections 5, 14 to 16, 39 to 45, 47, 48, 50, 53, 54, 56 to 67 and 69 to 71.
The Portsmouth Water Act 1941.	<a href="#">1941 c.xiv.</a>	Section 3(1)(b).  Sections 25, 26, 59, 60, 62 to 64, 66 to 68, 81 to 88 and 90. Schedule 1.

## PART II

### provisions of orders repealed

Title of Order	Reference	Extent of repeal
The Borough of Portsmouth Water Order 1898.	Confirmed by <a href="#">1898 c.ccciii.</a>	Section 4 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Sections 8 to 11, 16 to 18, 20 and 21.
The Borough of Portsmouth Water Order 1902.	Confirmed by <a href="#">1902 c.clxxxix.</a>	Section 4 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Sections 7 to 10, 15 to 17 and 19 to 22.
The Portsmouth Water Order 1953.	<a href="#">S.I.1953/1228.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act.  Section 7.
The Portsmouth & Gosport Water Order 1955.	<a href="#">S.I. 1955/435.</a>	Section 2 so far as relating to the application and

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Title of Order	Reference	Extent of repeal
		incorporation of the 1845 Act and the 1863 Act.
		Sections 4 to 12, 14(1), 17 and 18.
The Portsmouth & Gosport Water Order 1959.	S.I. <a href="#">1959/1594</a> .	Sections 4(1), 15 and 19 to 22.
		Schedules 1 to 3.
The Portsmouth & Gosport Water Order 1962.	S.I. <a href="#">1962/778</a> .	Sections 4(2) and 13.
The Portsmouth & Gosport Water (Regnum Area) Order 1963.	S.I. <a href="#">1963/1333</a> .	Sections 10, 16, 19, 28, 32, 34 and 35.
The Portsmouth Water Order 1964.	S.I. <a href="#">1964/790</a> .	Sections 12 and 13.
The Portsmouth Water Order 1966.	S.I. <a href="#">1966/1044</a> .	In section 3, subsections (1), (2) and (4), and sections 4 to 5.
The Portsmouth (River Itchen) Water Order 1970.	S.I. <a href="#">1970/1621</a> .	Section 12.
The Portsmouth Water (Financial Provisions) Order 1971.	S.I. <a href="#">1971/363</a> .	Sections 3 and 4.
The Portsmouth Water Order 1979.	S.I. <a href="#">1979/1528</a> .	The whole Order.
The Portsmouth Water Order 1986.	S.I. <a href="#">1986/1532</a> .	The whole Order.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 101(2) of the Water Act 1989 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 Portsmouth Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Portsmouth Water Acts and Orders 1857 to 1986 (article 2). It also provides that the date on which those provisions cease to have effect is 31st August 1990 (article 3) and for the repeal of the superseded provisions and for consequential repeals (article 4).

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