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STATUTORY INSTRUMENTS

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**1990 No. 2574**

**WATER, ENGLAND AND WALES**

**The East Anglian Water (Constitution  
and Regulation) Order 1990**

*Made* - - - - *18th December 1990*  
*Laid before Parliament* *21st December 1990*  
*Coming into force* - - *11th January 1991*

Whereas provision is made for the constitution and regulation of the East Anglian 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 18th October 1990 (“the special resolution”) proposed that provision contained in a memorandum and articles of association 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of the proposal by this Order that the local statutory provisions which are specified in Schedule 2 to this Order be repealed: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 East Anglian Water (Constitution and Regulation) Order 1990 and shall come into force on 11th January 1991.

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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<sup>(4)</sup>; and

“the 1863 Act” means the Companies Clauses Act 1863<sup>(5)</sup>.

#### **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 11th January 1991.

#### **Consequential provision**

4. The East Anglian Water Acts and Orders 1853 to 1986 and the Great Yarmouth Waterworks and Lowestoft Water and Gas Act 1907<sup>(6)</sup> are repealed to the extent indicated in Schedule 2 hereto with effect from 11th January 1991.

*Michael Heseltine*  
One of Her Majesty’s Principal Secretaries of  
State

18th December 1990

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<sup>(4)</sup> 1845 c. 16.

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

<sup>(6)</sup> 1907 c.lxxxiv.

**Status:** This is the original version (as it was originally made).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

## 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 Suffolk Water plc and the Articles of Association of Suffolk Water plc(7).

## SCHEDULE 2

Article 4

### PART I

#### PROVISIONS OF ENACTMENTS REPEALED

Title	Reference	Extent of repeal
The Lowestoft Water, Gas and Market Act 1853.	<a href="#">1853 c.xviii.</a>	Sections 4 to 6, 9, 11 to 15 and 17.
The Lowestoft Water, Gas and Market Act 1857.	<a href="#">1857 c.lvii.</a>	Sections 6, 15 to 19, 27 to 29, 31, 32 and 34 to 40.
The Lowestoft Water, Gas and Market Act 1863.	<a href="#">1863 c.clxix.</a>	The whole Act, so far as unrepealed.
The Lowestoft Water, Gas and Market Act 1877.	<a href="#">1877 c.cxlvii.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act. Sections 14 to 21, 23 to 25, 28 and 29.
The Lowestoft Water and Gas Act 1897.	<a href="#">1897 c.cx.</a>	Section 2 so far as relating to the application and incorporation of the 1863 Act. Sections 21 to 24, 29, 30 and 32 to 42.
The Lowestoft Water and Gas Act 1899.	<a href="#">1899 c.clix.</a>	Section 2 so far as relating to the application and incorporation of the 1845 Act and the 1863 Act. Sections 26 to 29, 34, 35 and 37 to 40.
The Aldeburgh Corporation (Water) Act 1901.	<a href="#">1901 c.ccxlix.</a>	Sections 13, 14, 43, 47 to 51 and 53 to 55.
The Great Yarmouth Waterworks and Lowestoft Water and Gas Act 1907.	<a href="#">1907 c.lxxxiv.</a>	Sections 40 to 44, 49, 50 and 53 to 55.
The Lowestoft Water and Gas Act 1931.	<a href="#">1931 c.xxvii.</a>	Section 2(d). Sections 66 to 69, 71, 72, 77, 78 and 82 to 95.

(7) 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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## PART II

### PROVISIONS OF ORDERS REPEALED

Title	Reference	Extent of repeal
The Southwold Water Order 1886.	Confirmed by <a href="#">1886 c.lix.</a>	Sections 7 and 8.
The Southwold Water Order 1904.	Confirmed by <a href="#">1904 c.clxxxii.</a>	Sections 16 to 25.
The Lowestoft Water Order 1954.	<a href="#">S.I.1954/1110.</a>	Sections 5 and 11.
The East Anglian Water Order 1961.	<a href="#">S.I. 1961/2291.</a>	In section 2, subsections (1) and (2). Sections 5 to 15, 19, 21, 22, 28 to 31 and 35.
The East Anglian (Beccles, Bungay, Halesworth, Lothingland and Wainford) Water Order 1962.	<a href="#">S.I. 1962/825.</a>	In section 3, subsections (1) and (2). Sections 20 to 22.
The East Anglian Water (Financial Provisions) Order 1962.	<a href="#">S.I. 1962/978.</a>	The whole Order, so far as unrepealed.
The East Anglian (Blyth, Eye, Hartismere and Saxmundham) Water Order 1963.	<a href="#">S.I. 1963/1595.</a>	In section 3, subsections (1) and (2). Sections 7 and 22 to 24.
The East Anglian Water (Southwold) Order 1964.	<a href="#">S.I. 1964/1865.</a>	In section 2, subsections (1) and (2). Sections 12 and 18.
The East Anglian Water (Financial Provisions) Order 1968.	<a href="#">S.I. 1968/1752.</a>	The whole Order, so far as unrepealed.
The East Anglian Water (Financial Provisions) Order 1971.	<a href="#">S.I. 1971/846.</a>	The whole Order, so far as unrepealed.
The East Anglian Water (Capital Powers) Order 1972.	<a href="#">S.I. 1972/2050.</a>	In section 2, subsections (1) and (3). Section 4. Section 6, save so far as relating to sections 73 to 75 of the Lowestoft Water and Gas Act 1931 <sup>(8)</sup> .
The East Anglian Water (Capital Powers) Order 1977.	<a href="#">S.I. 1977/295.</a>	In section 3, subsections (1) and (2). Sections 4 to 7. Section 8, save so far as relating to sections 73 to 75 of the Lowestoft Water and Gas Act 1931.

<sup>(8)</sup> [1931 c.xxvii.](#)

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Title	Reference	Extent of repeal
The East Anglian Water (Capital Powers) Order 1985.	S.I. 1985/240.	In section 3, subsections (1) to (3). Sections 4 and 5. Section 6, save so far as relating to sections 73 to 75 of the Lowestoft Water and Gas Act 1931.

### 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 East Anglian Water 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 those provisions cease to have effect is 11th January 1991 (article 3) and for the repeal of the superseded provisions and for consequential repeals (article 4).

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