
STATUTORY INSTRUMENTS

1991 No. 1596

WATER, ENGLAND AND WALES

**The Essex Water Company (Constitution
and Regulation) Order 1991**

<i>Made</i>	- - - -	<i>11th July 1991</i>
<i>Laid before Parliament</i>		<i>16th July 1991</i>
<i>Coming into force</i>	- -	<i>6th August 1991</i>

Whereas provision is made for the constitution and regulation of the Essex 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⁽¹⁾ (“the Act”):

And whereas the local statutory 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 24th May 1991 (“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his approval of the proposal by this Order that the local statutory provisions specified in Schedule 2 to this Order be repealed: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 Essex Water Company (Constitution and Regulation) Order 1991 and shall come into force on 6th August 1991.

(1) 1989 c. 15.

(2) See section 101(8) of the Water Act 1989.

(3) 1985 c. 6.

Status: This is the original version (as it was originally made).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

(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 6th August 1991.

Consequential provision

4. The local statutory provisions referred to in Schedule 2 hereto are repealed to the extent indicated in that Schedule with effect from 6th August 1991.

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

11th July 1991

(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 Essex Water plc and the Articles of Association of Essex Water plc⁽⁶⁾.

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS

PART I

PROVISIONS OF ENACTMENTS REPEALED

Title	Reference	Extent of repeal
The South Essex Waterworks Act 1861.	1861 c.cxxxvii.	Section 2 so far as relating to the 1845 Act. Sections 3, 9 and 10.
The South Essex Waterworks Act 1882.	1882 c.xlv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 11 to 16, 18, 19 and 22. Section 23 so far as relating to the creation and issue of debenture stock. Section 26.
The South Essex Waterworks Act 1901.	1901 c.ccvii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 25 to 30. Section 38 so far as relating to the creation and issue of debenture stock. Section 41.
The South Essex Waterworks Act 1921.	1921 c.lxxxiv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 16 and 55. Section 57 save so far as relating to sections 39 and 40 of the South Essex Waterworks Act 1901 ⁽⁷⁾ . Sections 60 to 62 and 64 to 67.
The South Essex Waterworks Act 1928.	1928 c.lxxxix.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 52 and 53. Section 54 save so far as

⁽⁶⁾ A copy of the documents may be inspected at the Department of the Environment, Romney House, 43 Marsham Street, London SW1P 3PY.

⁽⁷⁾ [1901 c.ccvii.](#)

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Title	Reference	Extent of repeal
		relating to sections 39 and 40 of South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921(8). Sections 56, 57 and 69.
The South Essex Waterworks Act 1935.	1935 c.xlviii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 21 and 55. Section 58 save so far as relating to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921. Section 62.
The South Essex Waterworks Act 1953.	1953 c.ix	The whole Act.
The South Essex Waterworks Act 1962.	1962 c.xxvii.	Sections 14 and 15.

PART II

PROVISIONS OF ORDERS REPEALED

Title	Reference	Extent of repeal
The South Essex Waterworks Order 1955.	S.I.1955/1613.	The whole Order, save so much of section 7 as relates to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The South Essex Waterworks Order 1962.	S.I. 1962/882.	Section 4(2). Sections 9 to 11. Section 13 save so far as relating to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The South Essex Waterworks (No.2) Order 1962.	S.I. 1962/1978.	The whole Order.
The South Essex Waterworks Order 1964.	S.I. 1964/1548.	Section 4 and Schedule 2 so far as relating to sections 74 and 77 of the Third Schedule to the

(8) [1921 c.lxxxiv.](#)

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Title	Reference	Extent of repeal
		Water Act 1945 ⁽⁹⁾ . Sections 8 to 15.
The South Essex Waterworks (Borrowing Powers) Order 1966.	S.I. 1966/1544 .	The whole Order, save so much of section 5 as relates to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The South Essex Waterworks (Borrowing Powers) Order 1967.	S.I. 1967/1260 .	The whole Order, save so much of section 5 as relates to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The Essex Water Order 1970.	S.I. 1970/786 .	Sections 3, 7, 8, 12 to 17, 30 to 33, 42 and 43.
The Essex Water (Capital Powers) Order 1974.	S.I. 1974/1203 .	The whole Order, save so much of section 7 as relates to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The Essex Water (Capital Powers) Order 1981.	S.I. 1981/1514 .	The whole Order, save so much of section 7 as relates to sections 39 and 40 of the South Essex Waterworks Act 1901 and section 56 of the South Essex Waterworks Act 1921.
The Essex Water Order 1985.	S.I. 1985/60 .	Section 3(1).
The Essex Water Order 1986.	S.I. 1986/2210 .	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.

⁽⁹⁾ [1945 c. 42](#).

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This Order approves a proposal by the Essex Water Company that a memorandum and articles of association should have effect in substitution for provisions contained in the Essex Water Acts and Orders 1861 to 1986 (article 2). It also provides that the date on which those provisions cease to have effect is 6th August 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.