
STATUTORY INSTRUMENTS

1991 No. 2018

WATER, ENGLAND AND WALES

**The Tendring Hundred Waterworks Company
(Constitution and Regulation) Order 1991**

Made - - - - 4th September 1991
Laid before Parliament 13th September 1991
Coming into force - - 1st December 1991

Whereas provision is made for the constitution and regulation of the Tendring Hundred Waterworks Company (“the Company”) in local statutory provisions (“the relevant 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 relevant 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 26th June 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 relevant 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his approval of the proposal by this Order that the local statutory provisions specified in Schedule 2 to this Order be repealed: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 Tendring Hundred Waterworks Company (Constitution and Regulation) Order 1991 and shall come into force on 1st December 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Status: This is the original version (as it was originally made).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⁾;

“the 1863 Act” means the Companies Clauses Act 1863⁽⁵⁾; and

“the Third Schedule” means the Third Schedule to the Water Act 1945⁽⁶⁾.

Approval of proposal contained in the special resolution

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

Date on which memorandum and articles come into force etc.

3. The date specified for the purposes of section 101(2) of the Act as the date on which the memorandum and articles shall come into force and the relevant provisions shall cease to have effect is 1st December 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 1st December 1991.

Signed by authority of the Secretary of State

4th September 1991

G. S. K. Young
Minister of State,
Department of the Environment

(4) 1845 c. 16.

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

(6) 1945 c. 42.

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 Tendring Hundred Water Services Limited and the Articles of Association of Tendring Hundred Water Services Limited(7).

SCHEDULE 2

Article 4

CONSEQUENTIAL REPEALS

PART I

PROVISIONS OF ENACTMENTS REPEALED

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
The Tendring Hundred Water-Works Act 1884	1884 c.ccxlvi.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 4, 5, 8, 9, 13, 14, 20 to 23, 26 and 27.
The Tendring Hundred Water-Works Act 1886.	1886 c.ci.	Section 3 so far as relating to the 1845 Act and the 1863 Act. Sections 15 and 22.
The Tendring Hundred Water-Works Act 1901.	1901 c.lxxxiii.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Section 32.
The Tendring Hundred Water and Gas Act 1912.	1912 c.xlv.	Section 2 so far as relating to the 1845 Act and the 1863 Act. Sections 55, 59, 60, 66, 67, 73 and 77.
The Tendring Hundred Water and Gas Act 1921.	1921 c.xxxii.	Section 2 so far as relating to the 1863 Act. Sections 5, 6, 8, 11 to 15 and 17 to 21.
The Tendring Hundred Water and Gas Act 1947.	1947 c.xxviii.	Section 3 so far as relating to the 1845 Act and the 1863 Act. Section 28, 29, 31, 33 to 35, 37 and 39 to 41.

(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

<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
The Tendring Hundred Water Order 1953	S.I.1953/1813.	The Whole Order.
The Tendring Hundred Water (Financial Provisions) Order 1962.	S.I.1962/466.	Section 3(1) and (2). Section 3(3) and the Schedule, so far as relating to section 75 of the Third Schedule. Sections 5, 6 and 9 to 12.
The Tendring Hundred Water (No. 2) Order 1962.	S.I.1962/761.	Sections 4, 23, 24 and 27 to 30. In section 34, subsections (1) and (2) so far as relating to sections 74 to 78 of the Third Schedule, and in subsection (3), paragraphs (d), (f) and (ff).
The Tendring Hundred Water (New Sources) Order 1963.	S.I.1963/1894.	Section 3(1) and (2). Section 3(3) and Schedule 2 so far as relating to section 75 of the Third Schedule. Sections 9, 10 and 13 to 16.
The Tendring Hundred Water Order 1964	S.I.1964/1348.	Section 19.
The Ardeleigh Reservoir Order 1967.	S.I.1967/1173.	Section 4 and Schedule 1 as they apply to the Company, so far as relating to section 75 of the Third Schedule. Section 5 as it applied to the Company. Section 32, 33 and 36 to 38.
The Tendring Hundred Water Order 1967.	S.I.1967/1808.	The Whole Order.
The Tendring Hundred Water Order 1969.	S.I.1969/1596.	The Whole Order.
The Tendring Hundred Water (Financial Provisions) Order 1975.	S.I.1975/1771.	The Whole Order.

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<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
The Tendring Hundred Water (Financial Provisions) Order 1982.	S.I.1982/1818.	The Whole Order.
The Tendring Hundred Water Order 1987.	S.I.1987/234.	Section 3(1) and (3).

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 provision 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 Tendring Hundred Waterworks 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 1st December 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