
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART X

REORGANISATION OF THE INDUSTRY

Finances of the successor company

Restrictions on borrowing, charging, etc.

277.—(1) If articles of association of the successor company confer on the Department powers exercisable with the consent of DFP for, or in connection with, restricting the sums of money which may be borrowed or raised by the successor company during any period, those powers shall be exercisable in the public interest notwithstanding any rule of law or any statutory provision.

(2) For the purposes of this Article an alteration of the articles of association of the successor company shall be disregarded if the alteration—

- (a) has the effect of conferring or extending any such power as is mentioned in paragraph (1);
and
- (b) is made at a time when that company has ceased to be wholly owned by the Crown.

(3) The successor company may not, at any time before it ceases to be wholly owned by the Crown, charge any of its assets without the approval of the Department and DFP.