



Electricity Act 1947

1947 CHAPTER 54

PART IV

MISCELLANEOUS AND GENERAL.

Non-statutory undertakings.

48 Acquisition of non-statutory undertakings.

- (1) This section applies to any person, not being a body to whom Part II of this Act applies, who at the passing of this Act is engaged in supplying electricity to the general public and who, at any time after the nineteenth day of November, nineteen hundred and forty-five, has incurred or incurs, in respect of works approved by the Minister for the purposes of this section (whether before or after the execution of the works) expenditure properly chargeable to capital account; and in this section any such person is referred to as " the undertakers," and his business, so far as it consists of the supply of electricity to the general public, is referred to as " the electricity undertaking."
- (2) The undertakers may, at any time before the expiration of the period of twelve months beginning with the date of the passing of this Act, serve on the Central Authority a notice requiring that the electricity undertaking shall be transferred under this section, and thereupon the following provisions of this section shall have effect.
- (3) On such date, not being later than six months after the service of the notice, as may be agreed between the undertakers and the Central Authority or, in default of agreement, determined by the Minister (which date is hereafter in this section referred to as " the date of transfer "), all property of the undertakers which was, immediately before the date of transfer, wholly or mainly used for the purposes of the electricity undertaking shall, by virtue of this Act, vest in the Area Board whose area comprised the whole or the main part of the area of supply of the undertakers, and shall vest free of any mortgage or other incumbrance.
- (4) For the purpose of transferring to the said Area Board agreements to which the undertakers were a party immediately before the date of transfer and which they entered into for the purposes of the electricity undertaking, so far as those agreements

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remain to be performed after the date of transfer, every such agreement, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the undertakers shall, unless its terms or subject matter make it impossible, have effect, as from the date of transfer, subject to the like modifications (with the substitution of references to the date of transfer for references to the vesting date) as agreements of bodies to whom Part II of this Act applies which are transferred to the Area Board under that Part.

- (5) The provisions of Part II of this Act relating to the disclaimer of agreements and leases shall apply to any agreements or leases which are transferred to the said Area Board under this section in like manner as they apply to agreements and leases of bodies to whom that Part applies, subject to the modification that for references to the vesting date there shall be substituted references to the date of transfer.
- (6) Subject to the provisions of this section, there shall be paid by the Central Authority to the undertakers, by way of compensation for the transfer of the electricity undertaking, such amount as the undertaking might have been expected to realise if—
- (a) it had been sold as a going concern on the date of transfer in the open market by a willing seller to a willing buyer;
 - (b) the effect of the sale had been to transfer to the buyer the property, rights, liabilities and obligations which are transferred or granted to the Area Board by or under this section, except any property or rights, which are transferred or granted on terms agreed or determined in accordance with regulations made under this section; and
 - (c) this Act had not been passed.
- (7) Any question arising under this section as to—
- (a) whether a particular person is a person to whom this section applies;
 - (b) what property of the undertakers vests in the Area Board under subsection (3) of this section;
 - (c) what agreements of the undertakers are to have effect in accordance with subsection (4) of this section;
 - (d) what compensation is to be paid under subsection (6) of this section;
- shall, in default of agreement between the undertakers and the Central Authority, be determined by arbitration under this Act, and the provisions of Part II of this Act relating to the arbitration tribunal shall apply for the purpose of determining questions under this section and any questions which, under regulations made under this section, are to be determined by arbitration under this Act, as they apply for the purpose of determining questions under the provisions of Part II of this Act or any regulations made thereunder.
- (8) Subsections (2) and (4) of section fifteen of this Act shall apply to the undertakers in like manner as they apply to a local authority subject to the modifications that for references to property held or used by the local authority in their capacity as authorised undertakers there shall be substituted references to property held or used by the undertakers for the purposes of the electricity undertaking, for references to other capacities of the local authority there shall be substituted references to other purposes of the company and for references to the Minister of Health there shall be substituted references to the Minister and for references to the vesting date there shall be substituted references to the date of transfer, and any question whether any property is or was (for the purposes of -the said subsection (2) as so applied) held or used partly for the purposes of the electricity undertaking and partly for other purposes shall, in default of agreement, be determined by arbitration under this Act.

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- (9) Regulations may make provision, in a case where property vested in an Area Board under this section was, immediately before the date of transfer, subject to a mortgage or other incumbrance, for the payment to the mortgagee or incumbrancer of the compensation or any part of the compensation payable in respect of that property, or may make other provision for the protection of mortgagees and incumbrancers of any such property.
- (10) Where at the date of transfer any legal proceedings or any application to any authority under any enactment are pending by or against the undertakers in connection with any property, rights, liabilities or obligations which are vested in or transferred to an Area Board under this section, the Board, if the circumstances so require, may be added as a party to the proceedings or application or may be substituted for the undertakers as a party to the proceedings or application.
- (11) Nothing in this section shall operate to transfer any cash or investments of the undertakers to an Area Board, and nothing in this section shall affect—
- (a) any right, liability or obligation with respect to the borrowing of money by the undertakers or to the raising of money by the undertakers by the issue of securities ;
 - (b) any right, liability or obligation (if the undertakers are a company) under any agreement for the rendering by any person of services to the undertakers as a director (other than a managing director or a director whose functions are substantially those of an employee);
 - (c) any right to, or liability to pay, any debt which became due before, or was in respect of a consideration wholly executed before, the date of transfer; or
 - (d) any right to, or liability to pay, any damages which accrued before the date of transfer.
- (12) Regulations may require any person who is or may be a person to whom this section applies to produce such books of account, records and documents, to supply copies of and extracts from such books, records and documents, and to furnish such other information as may reasonably be required—
- (a) by the Minister for the purpose of ascertaining whether or not this section applies to that person, or for other purposes arising out of the provisions of this section; or
 - (b) by any Electricity Board for the purpose of facilitating the taking over of the electricity undertaking of that person by them on the date of transfer;
- and to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities for the verification of other information furnished under the regulations; and such regulations may make provision as to the manner, time and place in or on which any requirement under the regulations is to be complied with, and shall provide for the payment to any such person of expenses reasonably incurred by him in complying with any requirements made by or under the regulations.
- (13) For the purposes of this section, a person shall, when supplying electricity to any other person, be deemed to be supplying electricity to the general public unless the electricity is supplied for the purposes of a trade or business and the relationship between the person giving the supply and the person supplied is that of a holding company and a subsidiary company, or vice versa, or either of the said persons is, in some other way, able to exercise a substantial measure of control over the carrying on of the trade or business of the other person, and any question as to whether a supply of electricity to

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any person is a supply to the general public shall, in default of agreement between the undertakers and the Central Authority, be determined by arbitration under this Act.

- (14) The foregoing provisions of this section shall, in their application to any undertakers whose area of supply is wholly or mainly comprised in the North of Scotland District, have effect with the substitution for references to the Minister of references to the Secretary of State, and for references to the Central Authority or to an Area Board of references to the North of Scotland Board.

Further Provisions relating to Electricity Supply.

49 Supply of electricity to railways.

- (1) As from the vesting date, it shall be the duty of the Central Authority to provide, except in the North of Scotland District, and it shall be the duty of the North of Scotland Board to provide in that District, a supply of electricity to meet the requirements for haulage or traction of any railway undertakers, and an Area Board shall not, without the approval of the Central Authority, supply electricity to any railway undertakers for the purposes of haulage or traction.
- (2) The terms and conditions on which electricity is supplied by an Electricity Board to any railway undertakers for the purposes of haulage or traction shall be determined in accordance with regulations made by the Minister and the Minister of Transport jointly, or, in the case of a supply by the North of Scotland Board, the Secretary of State and the Minister of Transport jointly, and such regulations shall make provision for securing that the charges made for any such supply and the other terms and conditions on which it is provided are such as to avoid financial loss resulting to the Electricity Board from the provision of the supply.
- (3) Where electricity is supplied by an Electricity Board to any railway undertakers for the purposes of haulage or traction, the Board may enter into an agreement with the railway undertakers for the use of that supply, on such terms and conditions as may be agreed, for any other purposes for which electricity may be required by the railway undertakers :

Provided that an Area Board shall not make an agreement under this subsection which involves the use of the supply outside the area of that Board, unless the agreement has been approved by the Central Authority.

- (4) The Central Authority may, with the approval of the North of Scotland Board, provide in the North of Scotland District a supply of electricity to railway undertakers under this section, and a supply provided by the Central Authority outside the said District may, with the like approval, be used in that District.
- (5) The North of Scotland Board may, with the approval of the Central Authority, provide outside the North of Scotland District a supply of electricity to railway undertakers under this section, and a supply provided by the North of Scotland Board in the said District may, with the like approval, be used outside that District.
- (6) Where an Area Board provide within their area, with the approval of the Central Authority, a supply of electricity to any railway undertakers under this section, that supply may be used outside the area of the Area Board:

Provided that any such supply of electricity shall not be used in the North of Scotland District without the approval of the North of Scotland Board.

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- (7) Without prejudice to any other enactment providing for the protection of telegraphic lines belonging to or used by the Postmaster General, any electricity supplied under this section to any railway undertakers shall be used in such manner as not to cause, or to be likely to cause, any interference (whether by induction or otherwise) with any such telegraphic line, or with telegraphic communication by means of any such line.

In this subsection the expression " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

50 Use of heat from generating stations.

- (1) It shall be the duty of the Central Authority to investigate methods by which heat obtained from or in connection with the generation of electricity may be used for the heating of buildings in neighbouring localities, or for any other useful purpose, and the Authority may accordingly conduct, or assist others in conducting, research into any matters relating to such methods of using heat.
- (2) Any Electricity Board may themselves provide, or assist other persons to provide, for the heating of buildings by such methods as aforesaid or otherwise for the use of heat obtained as aforesaid.
- (3) Any Electricity Board may, in accordance with a scheme submitted by them to the Minister and approved by order of the Minister, exercise for the purposes mentioned in the last foregoing subsection any powers of that Board under this Act (including any enactments incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or any local enactment, being powers relating to the breaking-up of streets, railways and tramways, in like manner and subject to the like provisions and restrictions as they are exercisable for the purposes of the supply of electricity, subject to such adaptations as may be prescribed by the order:

Provided that, in the case of a scheme of the North of Scotland Board, the scheme shall be submitted to, and approved by order of, the Secretary of State.

- (4) Any order made under this section shall be subject to Special parliamentary procedure.

51 Power to break up streets for certain purposes.

- (1) Where any Area Board or the North of Scotland Board—
- (a) acquire a bulk supply of electricity which is received by them outside their area or, as the case may be, outside the North of Scotland District; or
 - (b) provide a supply of electricity outside their area or, as the case may be, outside the North of Scotland District,

the Board may, in accordance with proposals submitted by them to the Minister and approved by him, exercise for the purpose of such acquisition or the provision of such supply any powers of that Board under this Act (including any enactment incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or any local enactment, being powers relating to the breaking up of streets, railways and tramways which would not otherwise be so exercisable:

Provided that, in the case of the North of Scotland Board, the proposals shall be submitted to and approved by the Secretary of State, and the references to the enactments aforesaid shall include a reference to the Act of 1943.

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- (2) The powers conferred by this section shall be exercisable in like manner and subject to the like provisions and restrictions as they are exercisable by the Board concerned for the purpose of the supply of electricity in the area or District of the Board.

52 Extension of period for certification of meters.

The period of ten years specified in section three of the Electricity Supply (Meters) Act, 1936, (which provides that certain meters shall be deemed to be proper meters for ascertaining the value of a supply), being the period after which that section is to cease to apply to any meters, shall be extended by a further period of five years, and accordingly for the words " ten years " in subsection (3) of that section there shall be substituted the words " fifteen years ".

Conditions of Employment and Pension rights.

53 Machinery for settling terms and conditions of employment of staff, etc.

- (1) Except so far as they are satisfied that adequate machinery exists for achieving the purposes of this section, it shall be the duty of the Central Authority to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by Electricity Boards, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and
 - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by Electricity Boards and the discussion of other matters of mutual interest to the Boards and such persons, including efficiency in the operation of the services of the Boards.
- (2) In exercising their powers under the last foregoing subsection the Central Authority shall consult with the Area Boards and the North of Scotland Board.
- (3) It shall be the duty of every Area Board and of the North of Scotland Board to comply with any such agreement as aforesaid.
- (4) The Central Authority shall send to the Minister, the Secretary of State and the Minister of Labour and National Service copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

54 Provisions as to pension rights.

- (1) The Minister and the Secretary of State may make joint regulations for all or any of the following purposes, that is to say—
- (a) for providing pensions to or in respect of persons who are or have been in the employment of an Electricity Board or a Consultative Council, or persons who have been members of the Central Electricity Board or have been employed by any body to whom Part II of this Act applies or have been employed whole-time for the purpose of administering undertakings or parts of undertakings

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- of authorised undertakers, but who have not been taken into the employment of an Electricity Board as aforesaid;
- (b) for the establishment and administration of pension schemes and pension funds for the purposes of the foregoing paragraph, for the continuance, amendment, - repeal or revocation of existing pension schemes relating in whole or in part to the like purposes and of enactments relating thereto and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part, or for the extinguishment, of liabilities under any such existing pension schemes, and for the transfer in whole or in part, or winding up, of pension funds held for the purposes of any such existing pension schemes, so, however, that nothing in this paragraph shall be construed as authorising the diversion of any such funds to purposes other than those of the foregoing paragraph;
 - (c) for making any provision consequential on any such provision as aforesaid including provision for the dissolution or winding up of bodies, whether incorporated or not, the continued existence whereof is unnecessary having regard to the regulations.
- (2) Where provision is made by any such regulations for the amendment, repeal or revocation of any existing pension scheme or of any enactment relating thereto or any trust deed, rules or other instrument made for the purposes thereof, or for the transfer or extinguishment of any liability under any pension scheme or for the transfer or winding up of any pension fund held for the purposes of any such scheme, the regulations shall be so framed as to secure that persons having pension rights under the scheme, whether such persons as are mentioned in paragraph (a) of the last foregoing subsection or not, are not placed in any worse position by reason of the amendment, repeal, revocation, transfer, extinguishment or winding up:

Provided that this subsection shall, have effect subject to such limitations as may be prescribed for meeting cases in which, in connection with any provision made by this Act or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course.

- (3) Regulations made under this section shall not be invalid by reason that in fact they do not secure that persons having pension rights, are not placed in any worse position by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in the last foregoing subsection, but if the Minister and the Secretary of State are satisfied or it is determined as hereinafter mentioned that any such regulations have failed to secure that result, the Minister and the Secretary of State shall as soon as possible make the necessary amending regulations.

Any dispute arising as to whether or not the said result has been secured by any regulations made under this section shall be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereon, and the decision of that referee or board shall be final.

- (4) Without prejudice to the generality of the foregoing provisions of this section, regulations made under this section may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of an Electricity Board, being treated as if his service as a member, of the Board were service in the employment of the Board, and the pension rights of any such person resulting from the operation of any such provision shall not be

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affected by any provision of this Act which requires that "the pensions, if any, which are to be paid in the case of members of the Board are to be determined by the Minister with the approval of the Treasury.

- (5) Subject to any regulations made under this section, the provisions of this Act which vest liabilities and obligations of a body to whom Part II of this Act applies in an Electricity Board shall apply in relation to customary obligations of the body in respect of pensions notwithstanding that the body was under no legal obligation in respect of those pensions, and if any question arises as to the existence or extent of any such customary obligation, the question shall, in default of agreement, be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, or where the proceedings are to be held in Scotland, after consultation with the Secretary of State, and the decision of that referee or board shall be final and the Electricity Board shall give effect to that decision.
- (6) Nothing in this section, and in particular nothing in subsection (2) thereof, shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act.
- (7) Regulations made under this section may contain such supplementary and consequential provisions as the Minister and the Secretary of State think necessary, including provisions as to the manner in which questions arising under the regulations are to be determined and provisions adapting, modifying or repealing enactments, whether of general or special application.
- (8) Regulations made for the purposes of this section may be made so as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making thereof shall not place any person other than an Electricity Board in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

55 Compensation to officers in connection with transfers.

- (1) The Minister and the Secretary of State jointly shall by regulations require every Electricity Board to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers of any body whose property, rights, liabilities and obligations vest by virtue of this Act in the Board and officers employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, being officers who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the vesting, or in consequence of the subsequent transfer to another Electricity Board or the subsequent disposal in any other manner, of any such property, rights, liabilities or obligations.
- (2) The Minister shall also, in such cases and to such extent as may be specified in the regulations, by regulations require the Central Authority to pay compensation to—
 - (a) members of the Central Electricity Board, and
 - (b) Electricity Commissioners and officers of the Electricity Commissioners,
 who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the dissolution of the Central Electricity Board or, as the case may be, the Electricity Commissioners, by or under this Act.

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- (3) Regulations made under subsection (1) or subsection (2) of this section shall, in such cases and to such extent as may be specified in the regulations, extend to persons who would have been within the said subsection (1) or, as the case may be, the said subsection (2) but for any war service in which they have been engaged.

In this subsection the expression " war service " means service in any of His Majesty's forces and. such other employment as may be specified in the regulations.

- (4) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than an Electricity Board in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

- (5) Regulations made under this section—

- (a) shall prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
- (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or where the proceedings are to be held in Scotland, after consultation with the Secretary of State,

and where any such provision is made as is specified in paragraph (b) of this subsection, the decision of the referee or board of referees shall be final.

- (6) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under section sixteen of the Electricity (Supply) Act, 1919, or under section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, or under the Compensation of Displaced Officers (War Service) (Electricity Undertakings) Order, 1946, being rights' arising in consequence of events which occurred before the vesting date.

References to the said sections and Schedule shall be construed as including references to those sections and that Schedule as applied by any other enactment, with or without modifications and adaptations.

- (7) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (8) The Minister of Labour and National Service may, with the consent of the Treasury, pay out of moneys provided by Parliament—
- (a) to any referee or to the members of any board of referees appointed by him under this section or the last foregoing section such fees and allowances as he may with the consent of the Treasury determine; and
- (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.

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56 Arbitration Acts not to apply to proceedings before referees or boards of referees.

Nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before a referee or board of referees appointed under either of the two last foregoing sections by the Minister of Labour and National Service.

Consequential Amendment of Statutory Provisions.

57 Application, amendment and repeal of enactments relating to electricity supply.

- (1) As from the vesting date, the Electricity (Supply) Acts, 1882 to 1936, and any other enactment to which any provision of Part I of the Fourth Schedule to this Act applies, shall have effect subject to the adaptations and modifications specified in Part I of that Schedule, and the Act of 1943 shall have effect subject to the adaptations and modifications specified in Part II of that Schedule, being adaptations, and modifications required for the purpose of applying the said Acts and enactments to Electricity Boards and otherwise required in consequence of the provisions of this Act.
- (2) The Schedule to the Electric Lighting (Clauses) Act, 1899, shall, as from the vesting date, be incorporated with this Act, and shall have effect, as so incorporated, subject to the adaptations and modifications specified in Part III of the said Fourth Schedule.
- (3) All local enactments, in force at the vesting date and applicable to any authorised undertakers except enactments applicable to local authorities or composite companies otherwise than in their capacity as authorised undertakers, shall, as from the vesting date, have effect—
 - (a) as if for references to the undertakers there were substituted references to the appropriate Board;
 - (b) as if for any reference (however worded and whether expressed or implied) to the undertaking or any part of the undertaking or to the area of supply or any part of the area of supply of the Undertakers there were substituted a reference to so much of the business carried on by the appropriate Board as corresponds to that undertaking or part thereof or, as the case may be, a reference to the area constituting the said area of supply or part thereof immediately before the vesting date;

and shall also have effect, as from such date as may be prescribed which may be prior to the making of the regulations but not to the vesting date, with such other adaptations and modifications (if any) as may be prescribed, being adaptations and modifications required in consequence of the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943:

Provided that the provisions of any such local enactment shall, in so far as they are inconsistent with or rendered redundant by the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943, cease to have effect, as from the vesting date.

In this subsection the expression " the appropriate Board "—

- (a) in relation to undertakers all of whose property, rights, liabilities and obligations vest by virtue of this Act in a single Electricity Board, means that Board;

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- (b) in relation to undertakers, in whose case generating stations and main transmission lines vest by virtue of this Act in the Central Authority, and other parts of the undertaking vest as aforesaid in an Area Board, means—
- (i) the Central Authority, as respects any enactment applicable only to the part of the undertaking vested in that Authority;
 - (ii) the Area Board, as respects any enactment applicable only to other parts of the undertaking;
 - (iii) both the said Authority and Board, as respects any enactment applicable both to the part vested in the Authority and to other parts of the undertaking.
- (4) For the purpose of securing, so far as reasonably practicable, a uniform statutory code applicable throughout the area of each Area Board and the North of Scotland District, the Minister may, as respects local enactments applicable to an Area Board, and the Secretary of State may, as respects local enactments applicable to the North of Scotland Board, by order provide for the repeal or amendment of any such enactment or for its extension to the whole of the area concerned, and for such matters consequential on or incidental to any such repeal, amendment or extension for which the Minister or the Secretary of State considers it necessary or expedient to provide.

An order under this subsection shall be subject to special parliamentary procedure.

- (5) Where an order made under this Act provides for the transfer of property, rights, liabilities and obligations from any Electricity Board to another such Board, that order or a subsequent order may provide for the application to the last named Board of the provisions of any local enactment applicable to the first named Board, so far as appears to the Minister or Ministers by whom the order is made necessary or expedient in consequence of the said transfer.
- (6) Where the undertaking of any person authorised by any enactment to supply electricity does not vest by virtue of this Act in any Electricity Board, the Minister or Secretary of State, as the case may be, may by order provide for the continued application to the undertaking, subject to such adaptations and modifications as may be necessary, of any enactments which would otherwise cease to apply to the undertaking in consequence of this section, including enactments repealed by this section.
- (7) As from the vesting date, the enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and, where any local enactment incorporates (with or without adaptations or modifications) any provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, repealed by this subsection, or contains any provisions substantially corresponding therewith, those provisions shall cease to have effect:

Provided that—

- (a) the repeal of any provision under which any special order or other order was made, being an order which would be applicable to an Electricity Board by virtue of subsection (3) of this section, shall not affect that order;
- (6) the repeal of the provisions of section sixteen of the Electricity (Supply) Act, 1919, and section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, and of the Fifth Schedule, to the Act of 1943 (so far as it applies the provisions aforesaid shall not affect the rights of any person arising under any of those provisions in consequence of any event occurring before the vesting date; and

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- (c) the repeal of section forty-two of and the First Schedule to the Civil Defence Act, 1939, shall not prevent the disposal of plant, equipment and property, and the application of the proceeds thereof, in accordance with Part II of the said Schedule.

58 Power to dissolve Electricity Commissioners.

- (1) The Minister may by order provide—
 - (a) for dissolving the Electricity Commissioners;
 - (b) for transferring to the Minister all property, rights, liabilities and obligations of the Electricity Commissioners, and for the modification of agreements so far as necessary for giving effect to the transfer of rights, liabilities and obligations thereunder;
 - (c) for transferring to the Minister, the Secretary of State, the Central Authority or the North of Scotland Board any functions previously exercisable by the Electricity Commissioners under any enactment or for extinguishing any such functions;
 - (d) for transferring from the Minister to the Central Authority or the North of Scotland Board such of the property, rights, liabilities and obligations transferred to him from the Electricity Commissioners as appear to the Minister to relate to any functions of the Commissioners so transferred;
 - (e) for the adaptation, modification or repeal of enactments relating to the Electricity Commissioners; and
 - (f) for matters incidental or supplementary to the matters aforesaid for which it appears to the Minister to be necessary or expedient to provide.
- (2) Any order made under this section shall secure that the pension rights of persons who have been Electricity Commissioners or officers of the Electricity Commissioners are not prejudiced by the order, and any pension payable in satisfaction of those rights shall be paid out of moneys provided by Parliament and shall be repaid to the Treasury by the Central Authority and the North of Scotland Board on demand to such extent as the Treasury may determine.

59 Assets of Electricity Associations to be applicable for compensating their officers.

Where any body, not being a body to whom Part II of this Act applies, have among their objects the promotion or protection of the interests of electricity undertakers or any class thereof, or of the officers of electricity undertakers or any class thereof, and, by reason of the failure of the objects of the body in consequence of the provisions of this Act, the affairs of the body are being wound up, any assets of the body which, after satisfaction of all their debts and liabilities, remain undisposed of may, notwithstanding anything in any enactment or instrument defining the objects of the body or regulating their affairs, be applied in whole or in part in compensating the officers of the body.

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General.

60 Power to make regulations relating to efficiency of supply and safety.

- (1) The Minister may make such regulations as he thinks fit for the purpose of securing that any supply of electricity furnished to any consumer by an Electricity Board is regular and efficient, and that the public is so far as practicable protected from any personal injury, fire or other dangers arising from the use of electricity so furnished.
- (2) Any regulations made under section six of the Electric Lighting Act, 1882, and in force immediately before the vesting date shall continue in force, notwithstanding the repeal by this Act of the said section six, and shall have effect as if they had been made under this section.

61 Penalties.

- (1) If any person, in giving any information, making any claim or giving any notice for the purposes of any provision of this Act or of any regulation thereunder, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, "or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.
- (2) Regulations made under any provision of this Act may provide that persons offending against the regulations shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the offence in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding five pounds for each day on which the offence is so continued.

62 Provisions as to prosecutions and as to offences by corporations.

- (1) Proceedings for an offence under the last foregoing section or any regulation made under this Act shall not, in England and Wales, be instituted except by or with the consent of the Minister or by the Director of Public Prosecutions.
- (2) Where an offence under the last foregoing section or any regulation made under this Act has been committed by a body corporate, every person who at the time of the commission of, the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

63 Service of notices, etc.

Any notice or other document required or authorised to be given, delivered or served under this Act or regulations or orders made thereunder or under any enactment applied by or incorporated with this Act may be given, delivered or served either—

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- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served,' or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, or the arbitration tribunal, by delivering it to the secretary or clerk of the company, body or tribunal at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company, body or tribunal at that office; or
- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

64 Provisions as to regulations and orders.

- (1) Any power conferred by this Act to make regulations or orders shall include power to provide by those regulations or orders for the determination of questions of fact or of law which may arise in giving effect to the regulations- or orders and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision as to the mode of proof of any matters and provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Minister or other authorities, and as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.
- (2) Any power conferred by this Act to prescribe by regulations or orders a period within which things are to be done shall include power to provide by those regulations or orders for extending the period so prescribed.
- (3) All orders and regulations made under this Act, not being orders or regulations required to be laid before Parliament in draft or orders subject to special parliamentary procedure, shall be laid before Parliament immediately after they are made and if either House, within a period of forty days beginning with the day on which any such order or regulations is or are so laid before it, resolves that the order or regulations be annulled, the order or regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or regulations.
- (4) In reckoning for the purposes of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.
- (5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, orders and regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

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- (6) In the case of orders defining or varying the areas for which Area Boards are established under this Act, copies of the maps by reference to which those areas are defined by the orders shall be made available, during the period for which the orders or drafts thereof are laid before Parliament, for inspection by members of each House of Parliament.
- (7) Any order made under any such power may be revoked or varied by a subsequent order made in the like manner and subject to the like conditions.

65 Expenses of the Minister.

Any administrative expenses incurred by the Minister or any other Minister of the Crown or Government department under this Act shall be paid out of moneys provided by Parliament, and any sums received by the Minister or by any other Minister of the Crown or Government department under or by virtue of this Act shall be paid into the Exchequer.

66 Inquiries.

- (1) The Minister or the Secretary of State may cause an inquiry to be held in any case when he deems it advisable to do so in connection with any matter arising under this Act (including any enactment incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or the Act of 1943.
- (2) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held by the Minister in England and Wales in pursuance of this section, and shall have effect as if the expression " department " included the Minister, and the provisions of the Sixth Schedule to the Act of 1943 shall apply to any inquiry held in Scotland, whether by the Minister or the Secretary of State, in pursuance of this section in like manner as those provisions apply to any inquiry held by the Secretary of State for the purposes of that Act:

Provided that no local authority shall be ordered to pay costs under subsection (4) of the said section two hundred and ninety in the case of any inquiry unless they are a party thereto.

67 Interpretation.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
 - " the Act of 1943 " means the Hydro-Electric Development (Scotland) Act, 1943;
 - " arbitration tribunal " means the tribunal established under section thirty-one of this Act;
 - " Area Board " has the meaning assigned to it by section one of this Act;
 - " authorised undertakers " means the bodies specified in the Second Schedule to this Act, and any reference in this Act to the capacity of a local authority or a composite company as authorised undertakers shall be construed as a reference to their capacity as a body authorised by any enactment to supply electricity in an area of supply;
 - " bulk supply " means a supply of electricity to be used for the purposes of distribution;

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" Central Authority " has the meaning assigned to it by section one of this Act;

" company " means a company incorporated by any enactment and a company within the meaning of the Companies Act, 1929;

" Electricity Board " has the meaning assigned to it by section one of this Act;

" electricity holding company " has the meaning assigned to it by section thirteen of this Act;

" electrical fittings " means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used;

" electric line " has the same meaning as in the Electric Lighting Act, 1882;

" electrical plant " means any plant, equipment, apparatus and appliances used for the purposes of generating, transmitting and distributing electricity, but not including any electrical fittings;

" emoluments " includes any allowances, privileges or benefits, whether obtaining legally or by customary practice;

" employed " means employed as an officer and " employment " shall be construed accordingly;

" enactment " means a public general Act, a local, private or personal Act, a provisional order confirmed by an Act, and any regulation or order made under any enactment, or any provision contained in any such Act, provisional order, regulation or order, and also includes any deed of transfer whereby statutory powers have been transferred to any authorised undertakers;

" financial year, "—

- (a) in relation to the North of Scotland Board, means the financial year determined by the Secretary of State under section fifteen of the Act of 1943;
- (b) in relation to any other Electricity Board, means a period of twelve months ending with a day to be prescribed, so however that the first financial year shall be the period beginning with the passing of this Act and ending with the first occurrence of the prescribed day, and, in" case of any alteration of the prescribed day, the duration of the financial year as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day; and
- (c) in relation to any body to whom Part II of this Act applies, other than a local authority, means the period of twelve months for which the accounts of the body are normally made up;

" functions " means duties and powers;

" generating station " has the same meaning as in the Electricity (Supply) Act, 1919;

" holding company " shall be construed in accordance with the definition contained in the Companies Act, 1947;

" joint board of local authorities " means a joint board constituted under section eight of the Electric Lighting Act, 1909, or by a local enactment;

" lease " includes an agreement for a lease and any tenancy agreement;

" loan ", in relation to a local authority, means a loan raised by the issue of securities or by a mortgage created under Part IX of the Local Government

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Act, 1933, or any similar enactment, and a loan advanced by the Public Works Loan Commissioners on the security of a mortgage;

" local authority " means the council of a county borough, county district or metropolitan borough, and the Common Council of the City of London, and includes, in section seven of this Act, the council of a county, and also includes in any other provision of this Act except the said section seven any joint board of local authorities having functions as authorised undertakers and also other functions;

" local enactment " means any enactment except a public general Act;

" main transmission lines " has the same meaning as in the Electricity (Supply) Act, 1919;

" Minister " means the Minister of Fuel and Power;

" net revenue ", in relation to any body, means the revenue of that body, after deducting therefrom all charges which are proper to be made to revenue account, including, in particular, proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, but not including provision for interest on debentures and debenture stock;

" North of Scotland Board " means the North of Scotland Hydro-Electric Board constituted under the Act of 1943;

" North of Scotland District " means the area defined in the Second Schedule to the Act of 1943, subject to any order made under Part I of this Act varying that area;

" officer " includes a managing director and a director whose functions are substantially those of an employee but not any other director, and also includes a servant;

" pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto;

" pension fund " means a fund established for the purposes of paying pensions;

" pension rights " includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension;

" pension scheme " includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise;

" power station company " has the meaning assigned to it by section thirteen of this Act;

" prescribed " means prescribed by regulations;

" railway undertakers " means any body authorised by any enactment to carry goods and passengers by railway;

" regulations " means regulations made by the Minister;

" securities ", in relation to a body corporate, means any shares, stock, debentures and debenture stock of the body corporate, and also includes any mortgages of the body which were quoted in the Stock Exchange Official Daily List (within the meaning of section twenty of this Act) on all six of the dates first mentioned in subsection (2.) of that Section, and " holder of securities ", in relation to any body to whom Part II of this Act applies, means,

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except in the provisions relating to the appointment of the stockholders' representative, a person who, immediately before the vesting date, was the holder of securities of that body, or his successor in title;

" stockholders' representative " has the meaning' assigned to it by section twenty-one of this Act;

" subsidiary company " shall be construed in accordance with the definition contained in the Companies Act, 1947;

" vesting date " has the meaning assigned to it by subsection (1) of section fourteen of this Act.

- (2) The definitions of "the Act of 1943 ", " electrical fittings ", "the North of Scotland Board " and " the North of Scotland District " shall apply for the purposes of any amendment made by this Act in any other enactment.
- (3) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

68 Application to Scotland.

- (1) The provisions of this section shall (in addition to the provisions of this Act relating to the North of Scotland District) have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State, and for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.
- (3) The expression " easement " means servitude; the expression " mortgage " includes a heritable security; the expression " local authority " means a county or town council; the expression " disclaim " includes abandon, and the expression " disclaimer " shall be construed accordingly; and for any reference to the transfer of stock or the payment of money into Court there shall be substituted a reference to the deposit of a stock certificate or the consignment of money in a bank subject to the orders of the Court of Session.
- (4) Any reference to a Bill in Parliament shall include a reference to an order under the Private Legislation Procedure (Scotland) Act, 1936.
- (5) Regulations under subsection (g) of section fourteen of this Act may include provision for the completion of the title of any Electricity Board to heritable property in Scotland vesting in them by virtue of this Act by the execution and recording in the General Register of Sasines of conveyances or instruments relating to such property.
- (6) Sections eighteen and twenty-nine of this Act shall have effect as if for any reference to the Law Reform (Frustrated Contracts) Act, 1943, there were substituted a reference to the common law of Scotland with regard to the frustration of contracts.
- (7) Any order of the arbitration tribunal may be recorded for execution in the books of Council and Session and shall be enforceable accordingly.
- (8) It shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix the value of all lands and heritages in Scotland belonging to or leased by the Central Authority or any Area Board (other than dwelling-houses or lands and heritages which are let by the said Authority or any such Board, or are not used or adapted for use for

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the purposes of their functions with regard to the generation or supply of electricity), and for that purpose the provisions of the Lands Valuation (Scotland) Act, 1854, and the Acts amending it shall apply in like manner as that Act as so amended applies in relation to the valuation of the lands and heritages belonging to any company or body which it is the duty of the Assessor to value.

69 Short title and extent.

- (1) This Act may be cited as the Electricity Act, 1947.
- (2) This Act shall not extend to Northern Ireland.